

1 **AN ACT** *to amend* 20.255 (2) (cu); and *to create* 118.43 (9) and 118.44 (intro.), and
 2 (1) to (6) of the statutes; **relating to:** achievement gap reduction contracts requiring
 3 one-on-one tutoring for low-income pupils, instructional coaching for teachers, or
 4 small class size and professional development.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft 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 for low-income students in primary grades (K–3) if certain statutory requirements are met. The contractual requirements include: (a) class sizes no larger than 18 students to one classroom teacher, or 30 students to 2 classroom teachers; (b) provision of education and human services available in the school; (c) ensuring a rigorous curriculum; and (d) providing staff development and 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 5 years and may be renewed for additional 5-year terms.

This draft 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 ends the SAGE program as it currently exists.

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

- The AGR program targets funding to low-income students in participating schools subject to a 5-year contract between the school district and DPI which requires the school to meet contractual conditions.
- The AGR program makes a school district eligible to sign an AGR contract on behalf of a school that is currently participating in SAGE when the existing SAGE contract expires.

- The AGR program allows a participating school to meet the obligations of its contract by maintaining small class sizes of 18:1 or 30:2, in addition to requiring professional development for teachers.
- The AGR program maintains the appropriation and level of funding that currently applies to the SAGE program. The program is also subject to a required evaluation.

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 3 interventions, or a combination of these interventions: (a) one-on-one tutoring provided by a certified teacher; (b) instructional coaching for teachers provided by a certified 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 classrooms to meet the 18:1 or 30:2 classrooms in order to receive funding.
- The AGR program requires a participating school to reduce the achievement gap between low-income students in that school and the statewide average over the course of the 5-year contract. A school that fails to do so cannot renew its contract at the end of the 5 years.
- The AGR program measures whether a school reduced its achievement gap using state 3rd grade reading and math assessment scores. The school must demonstrate a reduction in the achievement gap from the first year of a contract to the 5th year of the contract when compared to the statewide average scores on 3rd grade reading and math assessments in the first and 5th year of the contract. For example, a school reduces the achievement gap if the difference between its low-income pupil performance and the average statewide pupil performance on the reading assessment or math assessment in 2020 is smaller than the difference between its low-income pupil performance and the statewide average on either assessment in 2016.

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

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

NOTE: Amends the name of the existing SAGE appropriation and expands the appropriation to cover the new achievement gap reduction contracts which are authorized by the draft.

4 **SECTION 2.** 118.43 (9) of the statutes is created to read:

1 118.43 (9) No contract may be entered into or renewed under this section after the
2 effective date of this act [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.

3 **SECTION 3.** 118.44 (intro.), and (1) to (6) of the statutes are created to read:

4 **118.44 Achievement gap reduction; state aid.**

5 **(1) DEFINITIONS.** In this section:

6 (a) “Achievement gap” means the difference between the average scores of
7 low-income pupils in the 3rd grade in a participating school either on the examination
8 administered under s. 121.02 (1) (r) or on the mathematics exam required to be administered
9 under 20 USC 6311 (b) (3) and the average statewide scores of all pupils in the 3rd grade on
10 the same examination.

11 (b) “Class size” means the number of pupils assigned to a regular classroom teacher.

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

14 (d) “Participating grade” means any grade level 5-year-old kindergarten to 3rd grade
15 subject to a the contractual requirements in sub. (2) in a school subject to a contract under this
16 section.

17 (e) “Participating school” means a school subject to a contract under this section.

NOTE: Largely maintains definitions of “class size” and “low income” from the SAGE statute and creates new definitions for “achievement gap”, “participating grade”, and “participating school”. The achievement gap definition is used in later sections to determine whether a school is eligible to renew its contract after 5 years.

COMMENT: The definition of “class size” removes reference to the number of pupils on the 3rd Friday in September and leaves the particular date for determining the number of students ambiguous. Does this reflect the intent of the committee?

1 (2) **ELIGIBILITY.** (a) *School districts.* The school board of any school district that has
2 a contract under s. 118.43 on the effective date of this act [LRB inserts date], is eligible to enter
3 into a 5–year contract with the department under this section on behalf of any school eligible
4 under par. (b).

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

NOTE: The draft creates a new “Achievement Gap Reduction” program section of the statutes to replace the existing framework of the SAGE program. This section provides that school districts and schools that are currently participating in SAGE will be eligible to sign an AGR contract provided that they reduce the achievement gap.

COMMENT: The draft allows flexibility for a participating school to include any grade K–3 in a particular year. Unlike the SAGE program, the section does not require participation in all kindergarten and 1st grade classrooms in a participating school. Does this reflect the preference of the committee?

COMMENT: The draft limits eligibility for the AGR program to only those districts and schools currently participating in SAGE. Does this reflect the preference of the committee? Alternatively, does the committee wish to consider: (a) authorizing additional schools to enter into contracts under the existing 30 percent low–income enrollment threshold; or (b) increasing the threshold for eligibility to 50 percent low–income enrollment?

8 (3) **CONTRACT REQUIREMENTS.** A contract under this section must require:

9 (a) *Class size; instructional coaching; tutoring.* The contract shall require the school
10 board to do one or more of the following in each participating grade in each participating
11 school:

1 1. Provide professional development related to small group instruction and reduce each
2 class size in a participating grade to one of the following:

3 a. No more than 18.

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

6 2. Provide instructional coaching for teachers that is data-driven and offered by
7 certified teachers who possess appropriate content knowledge to assist teachers in improving
8 instruction in math or reading and possess expertise in reducing the achievement gap.

9 3. Provide one-on-one tutoring for low-income pupils provided by a teacher certified
10 in math or reading.

11 (b) *Annual reporting.* The school district shall annually report all of the following to
12 the department:

13 1. Before November 1 of each school year, a brief description of how the school district
14 intends to satisfy the contract requirement under par. (a) in each school for which it entered
15 into a contract.

16 2. Before the last day of each school year, a brief description of how the school district
17 did satisfy the requirement under par. (a) in each school for which it entered into a contract.

18 3. Before the last day of each school year, the achievement gap for the current school
19 year for each school for which the school district entered into a contract.

20 (c) *Term.* Contracts under this section are for 5 years and may be renewed for one or
21 more 5-year terms subject to sub. (4).

22 (d) *Waiver prohibited.* No contract under this section may include a waiver of any
23 requirement of this section.

NOTE: Contracts signed under the AGR program must require that a participating school implement one of 3 interventions, or a combination of the 3. The 3 interventions include: (a) small class sizes of 18:1 or 30:2 and professional development related to small group instruction; (b) instructional coaching for teachers; or (c) one-on-one tutoring for low-income students.

An AGR contract must also require annual reporting to DPI. A school district must report at the beginning of the school year what interventions it intends to use, must report by the end of the year what interventions it did use, and must report by the end of the school year the achievement gap for that year for each participating school.

Finally, an AGR contract cannot waive any requirement under the statute.

COMMENT: Does this reflect the intent of the committee?

- 1 **(4) CONTRACT RENEWALS.** The department shall not renew a contract with a school
2 district on behalf of a participating school unless the school demonstrates a reduction in the
3 achievement gap from the first year of the contract to the 5th year of the contract.

NOTE: Prohibits DPI from renewing an AGR contract with a school district on behalf of any school that fails to demonstrate a reduction in its low-income student achievement gap between the first year and last year of the contract. The amount of reduction in the achievement gap is not currently specified, but can be determined by the committee.

COMMENT: The draft requires a school to reduce the achievement gap on either the state reading or math examination to be eligible for renewal of this contract. Does this reflect the preference of the committee? Or, does the committee prefer to require reduction on **both** the reading and math examinations?

- 4 **(5) STATE AID.** (a) In this subsection, “amount appropriated” means the amount under
5 s. 20.255 (2) (cu) in any fiscal year less \$250,000.
6 (b) From the appropriation under s. 20.255 (2) (cu), the department shall pay to each
7 school district that has entered into a contract with the department under this section \$2,250
8 multiplied by the number of low-income pupils enrolled in a participating grade.

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

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

5 (e) The department shall promulgate rules to implement and administer the payment of
6 state aid under sub. (5).

NOTE: Largely maintains language relating 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. 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 **(6) EVALUATION.** The department shall arrange for an evaluation of the program under
8 this section following the 3rd year after implementation and shall allocate from the
9 appropriation under s. 20.255 (2) (cu) \$250,000 for that purpose.

NOTE: Requires DPI to arrange for evaluation of the AGR program following the 3rd year after implementation. As in the SAGE statute, the section requires evaluation and budgets \$250,000 for this evaluation.

COMMENT: Does the committee wish to require evaluation of the program?

10

(END)