

Key Notice Provisions Relating to School Districts in the 2015-2017 Biennial Budget Bill

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Practice Area: School Law

On July 14, 2015, the 2015-2017 Biennial Budget Bill took effect. The Budget Bill, adopted as 2015 Wisconsin Act 55, imposes new requirements on schools to annually provide public notice of academic standards and educational options, as well as the school's accountability report for each school year.

Notice of Academic Standards

For nearly twenty years, pursuant to Wis. Stat. § 118.30(1g)(a)1, school boards have been required to adopt academic standards in the core areas of math, science, reading and writing, geography, and history. Although required to adopt standards, schools have not been required to provide the public with notice of those standards. . .until now.

Act 55 amended Wis. Stat. § 120.12(13) to require that school boards provide notice of academic standards adopted under Wis. Stat. § 118.30(1g)(a)1 in two instances. First, school boards must provide annual notice of the academic standards which will be in effect for the upcoming school year, prior to the start of the *school term*, to the parents/guardians of its students. Prior to the start of the *school term* means prior to the first school day in which the district schools are in operation for attendance for the school year. The statute provides that this notice may be provided to parents/guardians electronically through posting a link on the school district's website.

Additionally, school boards are required to provide notice of the academic standards adopted under Wis. Stat. § 118.30(1g)(a)1 that will be in effect for the upcoming school year to the general public. School boards are required to include such notice "as an item on the agenda of the first school board meeting of the school year." The general notice is required to be provided for the first school board meeting of the *school year*, which commences on July 1 of each year. Thus, in addition to the parental notice prior to the start of the *school term*, school boards must place academic standards on the agenda for the first school board meeting of the *school year*.

The Biennial Budget was not in effect until midway through July, and thus, school districts likely missed the July 1 deadline. If a school district has not already done so, it should provide notice to the community about the academic standards at the next board meeting. Most school districts should be able to ensure full compliance with the "parental notice" provision and should plan to provide parents/guardians with notice of academic standards as soon as practicable, but no later than the first day of school.

School Accountability Report

Previously, state statute required the Department of Public Instruction ("DPI") to publish an accountability report. The only requirements of the accountability report were: (1) multiple measures to determine a school's performance or a school district's improvement (including pupil achievement and growth in reading and mathematics, measures of college and career readiness and measures indicative of being on track for college and career readiness, and gaps in pupil achievement and rates of graduation, categorized by race, English language proficiency, disability, and income level); and (2) an index system to identify a school's level of performance and annually place each school into one of 5 performance categories

Act 55 dramatically alters and expands upon the rules governing school district accountability reports. The multiple measures to determine a school's performance or a school district's improvement now must be categorized by English language proficiency, disability, income level, and race or ethnicity. Not only must the measure be categorized, but now they must include: (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, rates of graduation; and (4) rates of attendance or of high school graduation.

The accountability report must further contain an index system showing a school's level of performance and a school district's level of improvement based on five-star performance categories (significantly exceeds, exceeds, meets, meets few, or fails to meet expectations), including a qualitative definition of the categories. The standard for determining performance and improvement are further enumerated by statute and includes a formulaic method for calculation. The school accountability report must include charter schools, as well as private schools participating in the school choice program. The accountability reports are subject to biennial review by the applicable standing committee of each house of the legislature; however such review will not begin until the 2017-2018 school year.

Relevant to school districts, newly created Wis. Stat. § 115.385(4) requires that a copy of the school's accountability report be provided to the parent/guardian of each pupil enrolled in or attending the school. Note however, that DPI is statutorily prohibited from publishing a 2014-2015 accountability report. Thus, there will not be a 2014-2015 school accountability report to provide to parents/guardians this year.

Notice of Educational Options

Act 55 now requires school boards to provide the public with a description of the educational opportunities available within the district. Wis. Stat. § 118.57 requires school districts to annually publish, prior to January 31, a description of the educational options available to the child, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time open enrollment, youth options, and course options. The description must be published as a Class 1 notice under Chapter 985 of the state statutes, which requires one (1) insertion of the description in the official newspaper of the school district. The district must also post the description on its website.

The description posted must include the most recent performance category assigned in DPI's school accountability report for each school within the school district boundaries, including charter schools and private schools participating in a parental choice program. The notice published by the school board in the official newspaper must inform parents/guardians that the full school and school district accountability report is available on the district website.

In addition, Wis. Stat. § 115.385(4) requires each public school to annually provide a list of all of the educational options that are available to children residing in the pupil's resident school district to the parent/guardian of each student in the district. The educational options must include all public schools, private schools, participating parental choice options, charter schools, virtual schools, full-time enrollment, youth options, course options, and options for pupils enrolled in a home-based private educational program. This list is required to be provided at the same time the school provides a copy of the schools' accountability report to each student's parent/guardian.

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