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Failing schools bill goes to Doyle

State superintendent would have power to order changes; measure on felon DNA samples also OK'd

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Posted: April 22, 2010 | [\(5\) Comments](#)

Madison — The state superintendent of public instruction could reshape how Wisconsin's most troubled schools are run, under a bill headed to Gov. Jim Doyle.

The plan - approved 50-47 Thursday by the Assembly - was drafted after Democrats who control the Legislature couldn't agree on a controversial proposal by the Democratic governor to allow the Milwaukee mayor to appoint the Milwaukee Public Schools superintendent. All but two Democrats, Rep. Peggy Krusick (D-Milwaukee) and Rep. Mark Radcliffe (D-Black River Falls), voted for the bill and all the Republicans voted against it.

Also late Thursday, the Assembly sent to Doyle a measure that would require felons to submit DNA samples missing from a state database even if they have already served their sentences.

The Senate voted for the superintendent measure on a party-line, 18-15 vote last week and it now goes to Doyle, a supporter. Proponents said the bill was a step toward turning around a school system struggling with both financial woes and a longtime trend of lagging test scores among African-American students.

"What we have in front of us today is better than what we had before," said Rep. Tamara Grigsby (D-Milwaukee), an opponent of mayoral takeover who helped broker the compromise. "I'm not saying this bill is going to solve the problem, but it does help."

Republicans said the bill wouldn't do enough to turn around failing schools and didn't allow the state superintendent's interventions to trump contracts between local schools and unions.

"I know we can do better," said Rep. Brett Davis (R-Oregon). "This is not reform."

The Assembly seemed set to go late into the night with a full agenda.

Doyle argued for months that giving the mayor control of Milwaukee schools was the best way to turn around failing schools in the district, but some fellow Democrats said it took away too much power from

the School Board. Doyle blamed the failure to act on the plan as part of the reason the state didn't get a share of \$4.35 billion in federal Race to the Top money earlier this year. In a statement, he praised the superintendent bill as "a significant step forward" for MPS.

The bill - announced as a compromise last week - would give state Superintendent Tony Evers the power to order districts with schools that have been identified as in need of improvement to implement a consistent curriculum; provide additional help for struggling students; and extend the length of school days or the school year.

A uniform curriculum is essential, supporters like Grigsby said, because some of the poorest students move frequently from school to school, making it hard for them to keep up with their peers.

The proposal could strengthen Wisconsin's hand in an application for a second round of competitive Race to the Top funding by providing new tools to turn around failing schools. The bill also would give the superintendent the power to order districts with schools in the lowest 5% of schools in the state - all of which are in MPS - to change how principals are hired and assigned to schools; establish programs to help teachers and principals improve; and implement more rigorous performance evaluations for them.

Currently, the state superintendent's strongest powers are to withhold federal funding from schools that don't comply with state-ordered improvement plans. But Doyle has said it doesn't make sense to do that because cutting off funding will only worsen already-troubled schools.

Even some Democrats who voted for the bill said it fell far short of what needed to be done to fix Milwaukee schools.

"Let's be honest, we all have failed these children," said Rep. Jason Fields (D-Milwaukee).

The bill would also end tenure for MPS principals. Teachers would continue to earn tenure after a few years on the job, despite complaints from some principals who say that, in order to transform schools, they need to be able to remove poor teachers.

The bill also would require MPS to create alternate ways for students to earn diplomas. The district also would have to develop a master plan for its facilities by July 1, 2011.

The legislation on DNA samples drafted by Attorney General J.B. Van Hollen is part of the effort to close the gap in the state's records, which last year were found to be missing more than 12,000 DNA samples. The bill passed on a voice vote.

Under the bill, if a DNA sample is missing for a felon imprisoned on or after Jan. 1, 2000, a district attorney could petition a court to compel the felon to provide one and could order the person's arrest to do so.

The gap in the state's DNA databank was discovered last fall during an investigation into Walter E. Ellis, who is accused in the deaths of seven women over a 21-year span in Milwaukee. His DNA should have been taken when he was in custody in 2001 at Oshkosh Correctional Institution. Another inmate posing as Ellis gave a DNA sample for him.

Ellis is scheduled to go to trial in October in the deaths.

Raw milk

The Assembly late Thursday was poised to take up a controversial bill that would allow farmers to sell untreated milk at their farms. The issue has struck a chord with many consumers and segments of the farm community who touted milk - straight from the udder - as a safe product with many healthful properties.

The bill had previously passed the Senate and would go to the governor if it passes the Assembly. Doyle has said he would sign a raw milk bill under the right circumstances.

Selling raw milk has been opposed by many food safety advocates, including the federal Food and Drug Administration, which says that the risks from bacteria in unpasteurized milk outweigh possible benefits.

The Wisconsin Farm Bureau Federation also opposes the bill because a sickened consumer could cast a pall over the entire dairy industry.

Under the legislation, sales could take place only at farms where the milk was produced.

Farmers would have to post a sign declaring that raw milk may contain organisms that cause disease. It also would have to say that raw milk is not recommended for certain people, including the very young and very old; women who are pregnant or nursing; and individuals with diabetes or compromised immune systems.

Farmers would be prohibited from advertising the sale of raw milk except for on-farm signs. Their milk would have to meet all of the requirements of a Grade-A dairy farm license, and samples would have to be tested for pathogens, including salmonella.

Twenty-five states allow some form of unpasteurized milk sales, and the handling of the issue in the dairy-rich state of Wisconsin will be closely watched.

Journal Sentinel reporters Patrick Marley and Lee Bergquist contributed to this report.

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