



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1128/1
FFK:cjs

2021 SENATE BILL 423

June 14, 2021 - Introduced by Senators KOOYENGA and FELZKOWSKI, cosponsored by Representatives DUCHOW, EDMING, MURSAU, BRANDTJEN, BROOKS, CABRAL-GUEVARA, DITTRICH, NOVAK, J. RODRIGUEZ, ROZAR, SKOWRONSKI and TUSLER. Referred to Committee on Education.

1 **AN ACT to repeal** 118.40 (2r) (f), 118.40 (2r) (fm) 2., 118.40 (2r) (g) 1. c. to dn. and
2 121.07 (2) (e); and **to amend** 118.40 (2r) (e) 2p. (intro.), 118.40 (2r) (fm) 1.
3 (intro.), 118.40 (2r) (g) 1. a., 118.40 (2r) (g) 1. bf., 118.40 (2r) (g) 1. e., 121.07 (2)
4 (d) and 121.07 (2) (e) of the statutes; **relating to:** payments to an independent
5 charter school authorized by a tribal college.

Analysis by the Legislative Reference Bureau

Under current law, the Office of Educational Opportunity in the UW System, the City of Milwaukee, the chancellor of an institution in the UW System, a technical college district board, the county executive of Waukesha County, the college of Menominee Nation, and the Lac Courte Oreilles Ojibwa community college may contract with a person to operate a charter school. A charter school authorized by one of these entities is commonly known as an independent charter school.

Currently, the Department of Public Instruction pays a different per pupil amount to an independent charter school authorized by a tribal college than it pays to other independent charter schools. Under current law, the per pupil payment to an independent charter school authorized by a tribal college is based on the per pupil academic base funding the federal Bureau of Indian Education provides to tribal schools under federal law. In the 2020-21 school year, the per pupil amount paid to an independent charter school authorized by a tribal college is \$8,719. The per pupil amount paid to an independent charter school authorized by an authorizer other than a tribal college is set by law. In the 2020-21 school year, the per pupil payment

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amount to an independent charter school authorized by an authorizer other than a tribal college is \$9,165.

This bill eliminates the different per pupil amount paid to independent charter schools authorized by a tribal college. Under the bill, beginning in the 2021-22 school year, the Department of Public Instruction pays the same per pupil amount to all independent charter schools.

For further information see the 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.** 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

2 118.40 **(2r)** (e) 2p. (intro.) In the 2015-16 school year and in each school year
3 thereafter, for a pupil attending a charter school established by or under a contract
4 with an entity under par. (b) 1. ~~a. to f.~~, from the appropriation under s. 20.255 (2) (fm),
5 the department shall pay to the operator of the charter school an amount equal to the
6 sum of the amount paid per pupil under this paragraph in the previous school year;
7 the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
8 current school year, if positive; and the change in the amount of statewide categorical
9 aid per pupil between the previous school year and the current school year, if positive.
10 The change in the statewide categorical aid per pupil shall be determined as follows:

11 **SECTION 2.** 118.40 (2r) (f) of the statutes is repealed.

12 **SECTION 3.** 118.40 (2r) (fm) 1. (intro.) of the statutes is amended to read:

13 118.40 **(2r)** (fm) 1. (intro.) Beginning in the 2018-19 school year, in addition to
14 the payment under par. (e) and subject to subd. 3., for a pupil attending summer
15 school at a charter school established by or under a contract with an entity under par.
16 (b) 1. ~~a. to f.~~, the department shall pay to the operator of the charter school, in the
17 manner described in par. (e) 3m., an amount determined as follows:

18 **SECTION 4.** 118.40 (2r) (fm) 2. of the statutes is repealed.

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1 **SECTION 5.** 118.40 (2r) (g) 1. a. of the statutes is amended to read:

2 118.40 **(2r)** (g) 1. a. Determine the number of pupils residing in the school
3 district for whom a payment is made under par. (e) to an operator of a charter school
4 established under contract with an entity under par. (b) 1. e., ~~eg., or f.~~ to h. in that
5 school year.

6 **SECTION 6.** 118.40 (2r) (g) 1. bf. of the statutes is amended to read:

7 118.40 **(2r)** (g) 1. bf. Identify the pupils residing in the school district for whom
8 a payment is made under par. (fm) to an operator of a charter school established
9 under contract with an entity under par. (b) 1. e. ~~or f.~~ to h. in that school year.

10 **SECTION 7.** 118.40 (2r) (g) 1. c. to dn. of the statutes are repealed.

11 **SECTION 8.** 118.40 (2r) (g) 1. e. of the statutes is amended to read:

12 118.40 **(2r)** (g) 1. e. Sum the amounts determined under subd. 1. b., and bn.,
13 ~~d., and dn.~~

14 **SECTION 9.** 121.07 (2) (d) of the statutes is amended to read:

15 121.07 **(2)** (d) The number of pupils residing in the school district in the
16 previous school year for whom a payment was made under s. 118.40 (2r) (e) to an
17 operator of a charter school established under contract with an entity under s. 118.40
18 (2r) (b) 1. e., ~~eg., or f.~~ to h. in the previous school year.

19 **SECTION 10.** 121.07 (2) (e) of the statutes is amended to read:

20 121.07 **(2)** (e) The number of pupils residing in the school district in the
21 previous school year for whom a payment was made under s. 118.40 (2r) (f), 2019
22 stats., in the previous school year.

23 **SECTION 11.** 121.07 (2) (e) of the statutes, as affected by 2021 Wisconsin Act
24 (this act), is repealed.

25 **SECTION 12. Initial applicability.**

