

### 2001 DRAFTING REQUEST

#### Bill

Received: 11/08/2000

Received By: mlief

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Maternowski

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Alt. Drafters:

Subject: Education - charter schools

Extra Copies: PG

#### Pre Topic:

DOA:.....Maternowski -

#### Topic:

Expansion of special chartering authority

#### Instructions:

See Attached

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mlief 11/20/2000	gilfokm 11/20/2000	jfrantze 11/20/2000	_____	lrb_docadmin 11/20/2000		S&L
/2	mlief 11/22/2000	hhagen 11/22/2000	martykr 11/27/2000	_____	lrb_docadmin 11/27/2000		S&L
/3	mlief 01/04/2001	gilfokm 01/04/2001	kfollet 01/04/2001	_____	lrb_docadmin 01/04/2001		S&L
/4	mlief 02/06/2001	jdyer 02/06/2001	pgreensl 02/06/2001	_____	lrb_docadmin 02/06/2001		S&L

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**<END>**

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/3	mlief 01/04/2001	gilfokm 01/04/2001	kfollet 01/04/2001	ps/13	lrb_docadmin 01/04/2001		S&L

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14 2/6 JLD  
2/6  
ps

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3-1/4-01      11/27/00      11/27/00      <END>

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12 hmk  
11/22/00  
Xm 11/27  
RS  
Xm 11/27

FE Sent For:

<END>

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1?	mlief	11/11/20 King	11/11/20	11/11/20 PG			

FE Sent For:

<END>

- Modify open enrollment statute to include charter schools  
 open only to children in the district  
 - CESA - limited to residents of s.d. in which charter school located.  
 In 2002-03  
 Include renewal part of -0123

DPI DRAFTS Converted & Modified	LRB Draft #	Drafter	Modification
Administration of state assessments to MPCP students (DPI)	0135/1	Grant	Allow for voluntary participation of MPCP schools. ✓
SAGE changes (DPI)	0123/P1	Lief	Recreate as a block grant with per pupil funding reduced to \$1,750 per free and reduced price lunch child. Schools accepting the funding would still be required to reduce class size to 15 in grades K-3, other current law requirements would not apply. ✓

Finally, please draft the following items for inclusion in budget bill.

- RAE ✓ 1. Specify that seniority-based transfer rights for professional staff and choice of health-care provider are prohibited subjects of bargaining.
- MJL ✓ 2. Expand the special chartering status of UW-Milwaukee and Milwaukee Area Technical College to other UW and WTCS institutions and CESAs. These institutions could only create charter schools in school districts with membership counts, as determined for school aid purposes that exceed 10,000 members. *not an instrumentality*  
*World set amt paid under 118.40(2)(e)*
- PG ✓ 3. Expand eligibility for tuition aid under s. 121.79 20.255 (2) (cg) to include students that live in taxable foster group homes. The tuition payment shall be no greater than the prior year special education costs of such pupils that were not covered by federal or state special education aid payments.
- MJL ✓ 4. Reduce funding for the SAGE evaluation under s. 118.43 (7) to \$125,000 annually and require the department to determine the scope of the evaluation and select the reviewer through a competitive process that ensures impartiality.
- PG ✓ 5. Reduce summer school membership count for revenue limit purposes from the current law level of 40% to 25%.
- MJL ✓ 6. Eliminate the appropriation under s. 20.255 (2) (em), driver education local assistance.
- MJL ✓ 7. Allow Milwaukee charter schools chartered by UW-M, MATC and the City of Milwaukee to receive additional summer school aid in a manner similar to MPCP schools.
- PG ✓ 8. Eliminate the Sept. 1 school-start-date school district opt-out provision.
- PG ✓ 9. Pupil data disclosure - allow the state superintendent to release pupil data, if the pupil data is needed to perform an evaluation. The data can only be released to a researcher or research organization with which the state superintendent has contracted to perform an evaluation.



MJL: kmg

DOA:.....Maternowski – Expansion of special chartering authority  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SOON

To editing  
11/20/00

DON'T  
GEN. CAT.

1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, school boards may enter into contracts with ~~an~~ individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the ~~University of Wisconsin~~-Milwaukee, the Milwaukee area technical college, and the city of Milwaukee to operate charter schools (Milwaukee charter schools) directly or <sup>to</sup> contract for the operation of charter schools. These Milwaukee charter schools must be located within the Milwaukee Public Schools district (MPS) and only pupils who reside in MPS may attend the charter schools. The operators of the Milwaukee charter schools receive state aid for each pupil attending the charter school. Employees of the Milwaukee charter schools may not be employed by MPS and are thus not eligible to participate in the state's retirement system.

This bill allows any four-year ~~University of Wisconsin~~-System institution, state technical college, or cooperative educational service agency (an agency that facilitates the provision of services to school districts) to operate charter schools directly or <sup>to</sup> contract for their operation. Only pupils who reside in the school district in which the charter school is located may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools. Employees of the new charter schools

UW

UW

may not be employed by the school district in which the charter school is located and are thus not eligible to participate in the state's retirement system.

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. 118.40 (2r) (a) of the statutes is repealed and recreated to read:

2 118.40 (2r) (a) In this subsection, "institution" has the meaning given in s.  
3 36.05 (9). ✓

4 SECTION 2. 118.40 (2r) (b) of the statutes is amended to read:

5 118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of  
6 the ~~University of Wisconsin-Milwaukee~~ a University of Wisconsin System  
7 institution, the board of control of a cooperative educational service agency, and the

8 Milwaukee area a technical college district board may establish by charter and  
9 operate a charter school or, on behalf of their respective entities, may initiate a

10 contract with an individual or group to operate a school as a charter school. A charter  
11 shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract  
12 shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall  
13 specify the effect of the establishment of the charter school on the liability of the  
14 contracting entity under this paragraph. The contract may include other provisions  
15 agreed to by the parties. The chancellor of the ~~University of Wisconsin-Milwaukee~~  
16 a University of Wisconsin System institution may not establish or enter into a  
17 contract for the establishment of a charter school under this paragraph without the  
18 approval of the board of regents of the University of Wisconsin System.

19 History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672.

SECTION 3. 118.40 (2r) (c) (intro.) of the statutes is amended to read:





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-09571/2

MJL:kmg:jf  
at  
hmb

DOA:.....Maternowski - Expansion of special chartering authority

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Soon  
RM-run

Do not generate

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

new

EDUCATION

(new charter schools)

PRIMARY AND SECONDARY EDUCATION

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This bill allows any four-year UW-System institution, state technical college, or cooperative educational service agency (an agency that facilitates the provision of services to school districts) to operate charter schools directly or to contract for their operation. Only pupils who reside in ~~the~~ school district in which ~~the~~ charter school is located may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools. Employees of the new charter schools may not be employed by ~~the~~ any

a new

The bill also allows ~~the~~ <sup>new</sup> charter schools and ~~the~~ charter schools to be located in any school district in the state.

school district ~~in which the charter school is located~~ and are thus not eligible to participate in the state's retirement system.

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.** 118.40 (2r) (a) of the statutes is repealed and recreated to read:

2           118.40 (2r) (a) In this subsection, "<sup>university</sup>institution" has the meaning given in s.  
3           36:05 <sup>or 13</sup> (c).

4           **SECTION 2.** 118.40 (2r) (b) of the statutes is amended to read:

5           118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of  
6           the University of Wisconsin-Milwaukee and the Milwaukee area <sup>a university</sup>~~university of~~  
7           <sup>within the University of</sup> Wisconsin System ~~institution~~, the board of control of a cooperative educational  
8           service agency, and a technical college district board may establish by charter and  
9           operate a charter school or, on behalf of their respective entities, may initiate a  
10          contract with an individual or group to operate a school as a charter school. A charter  
11          shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract  
12          shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall  
13          specify the effect of the establishment of the charter school on the liability of the  
14          contracting entity under this paragraph. The contract may include other provisions  
15          agreed to by the parties. The chancellor of the University of Wisconsin-Milwaukee  
16          a <sup>university within the</sup> ~~University of Wisconsin System institution~~ may not establish or enter into a  
17          contract for the establishment of a charter school under this paragraph without the  
18          approval of the board of regents of the University of Wisconsin System.

19          ~~SECTION 3.~~ 118.40 (2r) (e) (intro.) of the statutes is amended to read:

1 ~~118.40 (2r) (c) (intro.) An entity under par. (b) The common council of the city~~  
 2 ~~of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee, and the~~  
 3 ~~Milwaukee area technical college district board may not establish or enter into a~~  
 4 ~~contract for the establishment of a charter school located outside of the school district~~  
 5 ~~operating under ch. 119. A pupil residing within the school district operating under~~  
 6 ~~ch. 119 may attend a charter school established under this subsection only if one of~~  
 7 ~~the following applies:~~

*change component*

8 ~~SECTION 4. 118.40 (2r) (c) of the statutes is created to read:~~  
 9 118.40 (2r) (c) ~~Except as provided in par. (b),~~ only pupils who reside in the  
 10 school district in which the charter school is located may attend the charter school.

*repealed and recreated*

\*\*\*\*NOTE: Peter: As we discussed, another option would be to allow pupils who reside in any school district served by a CESA to attend a charter school operated by the CESA.

11 SECTION 5. 118.40 (7) (am) 2. of the statutes is amended to read:  
 12 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private  
 13 school located in the school district operating under ch. 119 that is converted to a  
 14 charter school is not an instrumentality of the school district operating under ch. 119  
 15 ~~in which the charter school is located~~ and the school board of that school district may  
 16 ~~not~~ employ any personnel for the charter school.

*any*  
*no*

17 SECTION 6. 118.40 (8) of the statutes is repealed.

\*\*\*\*NOTE: Peter: I repealed this because it is obsolete. If you want a new audit to be conducted, please let me know, and I will redraft accordingly.

18 (END)

*REC. 9340 Initial applicability, public instruction*  
*ELIGIBILITY REQUIREMENTS FOR CHARTER SCHOOL PUPILS.*  
*The treatment of s. 118.40 (2r) (c) first applies to pupils first attending established under section 118.40 (2r) of the statutes in the 2002-03 school year.*  
*charter schools*

**Lief, Madelon**

---

**From:** Maternowski, Peter  
**Sent:** Wednesday, January 03, 2001 12:00 PM  
**To:** Lief, Madelon  
**Subject:** Revision to LRB-0957/2

Lonnie,

Draft 0957/2 expands s. 118.40 (2r) chartering authority to all UW campuses and WICS campuses and to CESAs.

Please revise section 3 of the draft to allow pupils within a CESA to attend a CESA sponsored charter, even if the charter school is not located in their school district. This change is consistent with the change discussed in the note to that section.

Thanks.

Peter Maternowski  
State Budget Office  
608-266-1923  
peter.maternowski@doa.state.wi.us



DOA:.....Maternowski - Expansion of special chartering authority  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

RM. 1000  
SOON

1 AN ACT <sup>DON'T GEN. CFT.</sup>; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
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PRIMARY AND SECONDARY EDUCATION

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This bill allows any four-year UW-System institution, state technical college, or cooperative educational service agency ~~an agency that facilitates the provision of services to school districts~~ <sup>(CESA)</sup> to operate charter schools (new charter schools) directly or to contract for their operation. The bill also allows the new charter schools and the Milwaukee charter schools to be located in any school district in the state. Only pupils who reside in a school district in which a new charter school is located may attend the new charter school. Operators of the new charter schools receive the same

unless the charter school is established or operated by a CESA, in which case the pupils who reside in a school district served by the CESA may attend the charter school.

amount of state aid per pupil as do the operators of the Milwaukee charter schools. Employees of the new charter schools may not be employed by any school district and are thus not eligible to participate in the state's retirement system.

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3 (13).

4           **SECTION 2.** 118.40 (2r) (b) of the statutes is amended to read:

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6 ~~the University of Wisconsin-Milwaukee and the Milwaukee area~~ a university within  
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18 without the approval of the board of regents of the University of Wisconsin System.

19           **SECTION 3.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

1 118.40 (2r) (c) Only pupils who reside in the school district in which the charter  
2 school is established or operated by the board of control of  
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✓ ~~\*\*\*\*NOTE: Peter: As we discussed, another option would be to allow pupils who  
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7 ~~119~~ and the no school board of ~~that school district~~ may ~~not~~ employ any personnel for  
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(END)

↓  
a cooperative educational service agency, a  
pupil who resides in any district served  
school  
by the cooperative educational service agency  
may attend the charter school. ↑



DOA:.....Maternowski - Expansion of special chartering authority  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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DOA:.....Maternowski - Expansion of special chartering authority

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

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3            ~~(13).~~

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8            service agency, and a technical college district board may establish by charter and  
9            operate a charter school or, on behalf of their respective entities, may initiate a  
10           contract with an individual or group to operate a school as a charter school. A charter  
11           shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract  
12           shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall  
13           specify the effect of the establishment of the charter school on the liability of the  
14           contracting entity under this paragraph. The contract may include other provisions  
15           agreed to by the parties. The chancellor of ~~the University of Wisconsin-Milwaukee~~  
16           a university within the University of Wisconsin System may not establish or enter  
17           into a contract for the establishment of a charter school under this paragraph  
18           without the approval of the board of regents of the University of Wisconsin System.



This draft recombines LRB-0960/1 and  
LRB-0957/3. Both LRB-0960 and  
LRB-0957 should continue to appear in the  
compiled bill.

MJL

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0957/4dn  
MJL:kmg&hmh:pg

February 6, 2001

This draft reconciles LRB-0960/1 and LRB-0957/3. Both LRB-0960 and LRB-0957 should continue to appear in the compiled bill.

Madelon J. Lief  
Legislative Attorney  
Phone: (608) 267-7380



DOA:.....Maternowski – Expansion of special chartering authority

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the UW–Milwaukee, the Milwaukee area technical college, and the city of Milwaukee to operate charter schools (Milwaukee charter schools) directly or to contract for the operation of charter schools. These Milwaukee charter schools must be located within the Milwaukee Public Schools district (MPS) and only pupils who reside in MPS may attend the charter schools. The operators of the Milwaukee charter schools receive state aid for each pupil attending the charter school. Employees of the Milwaukee charter schools may not be employed by MPS and are thus not eligible to participate in the state's retirement system.

This bill allows any four–year UW–System institution, state technical college, or cooperative educational service agency (CESA) (an agency that facilitates the provision of services to school districts) to operate charter schools (new charter schools) directly or to contract for their operation. The bill also allows the new charter schools and the Milwaukee charter schools to be located in any school district in the state. Only pupils who reside in a school district in which a new charter school is located may attend the new charter school, unless the charter school is established

or operated by a CESA, in which case pupils who reside in a school district served by the CESA may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools. Employees of the new charter schools may not be employed by any school district and are thus not eligible to participate in the state's retirement system.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of  
3 ~~the University of Wisconsin-Milwaukee and the Milwaukee area~~ a university within  
4 the University of Wisconsin System, the board of control of a cooperative educational  
5 service agency, and a technical college district board may establish by charter and  
6 operate a charter school or, on behalf of their respective entities, may initiate a  
7 contract with an individual or group to operate a school as a charter school. A charter  
8 shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract  
9 shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall  
10 specify the effect of the establishment of the charter school on the liability of the  
11 contracting entity under this paragraph. The contract may include other provisions  
12 agreed to by the parties. The chancellor of ~~the University of Wisconsin-Milwaukee~~  
13 a university within the University of Wisconsin System may not establish or enter  
14 into a contract for the establishment of a charter school under this paragraph  
15 without the approval of the board of regents of the University of Wisconsin System.

16           **SECTION 2.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

17           118.40 (2r) (c) Only pupils who reside in the school district in which the charter  
18 school is located may attend the charter school, except that, if the charter school is

1 established or operated by the board of control of a cooperative educational service  
2 agency, a pupil who resides in any school district served by the cooperative  
3 educational service agency may attend the charter school.

4 **SECTION 3.** 118.40 (7) (am) 2. of the statutes is amended to read:

5 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private  
6 school located in the school district operating under ch. 119 that is converted to a  
7 charter school is not an instrumentality of the any school district ~~operating under ch.~~  
8 ~~119~~ and the no school board of that school district may ~~not~~ employ any personnel for  
9 the charter school.

10 **SECTION 4.** 118.40 (8) of the statutes is repealed.

\*\*\*\*NOTE: Peter: I repealed this because it is obsolete. If you want a new audit to  
be conducted, please let me know, and I will redraft accordingly.

11

(END)