2011 DRAFTING REQUEST

Bill

Received: **02/07/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Janine Hale**

May Contact:

Drafter: **pgrant**

Subject: **Education - charter schools**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Charter schools

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 02/07/2011	csicilia 02/08/2011		_____ _____			S&L
/1			jfrantze 02/08/2011	_____ _____	sbasford 02/08/2011	mbarman 02/09/2011	

FE Sent For:

at intro 3-17-11

<END>

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/?	pgrant	/1 gs 2/8 T.1		2/8			

FE Sent For:

<END>

Grant, Peter

From: Emerson, James
Sent: Monday, February 07, 2011 2:11 PM
To: Grant, Peter; Hale, Janine

Peter:

Senator Darling would like to give access of LRB 11-0584/3 (Charter Schools) to Representative Vos's office for the purpose of drafting an Assembly companion bill.

Thanks,
Jim Emerson
Policy Director
Senator Alberta Darling's Office
608-266-5830

Grant, Peter

From: Rep.Vos
Sent: Monday, February 07, 2011 3:26 PM
To: Emerson, James; Grant, Peter
Subject: RE: DRAFT REQUEST: Assembly companion bill to LRB 0584 re: charter schools

Peter,

Rep. Vos would like to request a draft of an Assembly companion bill to LRB 0584 re: charter schools. Sen. Darling's office has given permission for the companion in the email from Jim Emerson below.

Thank you,

Janine Hale

Janine L. Hale
Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

From: Emerson, James
Sent: Monday, February 07, 2011 2:11 PM
To: Grant, Peter; Hale, Janine
Subject:

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Thanks,
Jim Emerson
Policy Director
Senator Alberta Darling's Office
608-266-5830

State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–0584/3
PG:cjs:ph

LRB-1359/1
PG:cjs

2011 BILL

Gen Cat

AN ACT ***to repeal*** 118.40 (2r) (b) 4., 118.40 (2r) (c) and (cm), 118.40 (7) (am) 3., 118.40 (8) (h) and 118.51 (3) (a) 7.; ***to renumber*** 118.51 (1) (a); ***to renumber and amend*** 118.40 (3) (d), 118.40 (3) (e), 118.40 (4) (a) and 118.40 (4) (c); ***to amend*** 20.923 (6) (m), 40.02 (28), 40.02 (36), 40.51 (1), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c), 115.001 (1), 115.001 (16), 118.40 (2m) (a), 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2., 118.40 (2r) (b) 3. (intro.), 118.40 (2r) (bm), 118.40 (2r) (d) (intro.), 118.40 (2r) (e) 2., 118.40 (2r) (f), 118.40 (4) (title), 118.40 (7) (am) 1., 118.40 (8) (a) (intro.), 118.40 (8) (f) 1., 118.40 (8) (g) 2., 118.40 (8) (g) 3., 118.51 (3) (a) 6., 118.51 (3) (b), 121.02 (1) (a) 2., 121.08 (4) (a) 1., 230.08 (2) (dm) and 230.35 (1s); and ***to create*** 15.07 (1) (a) 7., 15.56, 20.265, 20.515 (1) (g), 20.923 (4) (e) 1. c., 20.923 (6) (aLm), 40.515, 118.19 (14), 118.395, 118.40 (2r) (b) 1. e. and f., 118.40 (2r) (g), 118.40 (3) (f), 118.40 (3) (g), 118.40 (3m) (intro.), 118.40 (3m) (a) and (d) to (f), 118.40 (4) (ag), 118.40 (4) (ar) 3., 118.40 (4) (d), 118.40 (4) (e), 118.40 (4) (f), 118.40 (7) (c), 118.51 (1) (ag), 119.60 (5) and 230.08

1 (2) (wc) of the statutes; **relating to:** creating a Charter School Authorizing
2 Board, providing additional charter school authorizers, eliminating the limit on
3 the number of pupils who may attend virtual charter schools, modifying teacher
4 licensure requirements, eliminating the limit on the reduction in general school
5 aid used to fund independent charter schools, covering certain charter school
6 employees under the Group Insurance Board health coverage plan for local
7 government employees, allowing a charter school to elect to participate in the
8 Wisconsin Retirement System, granting rule–making authority, and making
9 an appropriation.

Analysis by the Legislative Reference Bureau

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 University of Wisconsin (UW)–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school. No entity authorized to establish an independent charter school may establish a virtual charter school.

This bill allows a cooperative educational service agency to establish an independent charter school. The bill also creates an independent state agency, the Charter School Authorizing Board (CSAB), and authorizes it to contract for the establishment of independent charter schools. The CSAB consists of nine members, of whom three are appointed by the governor, three by the senate majority leader, and three by the speaker of the assembly. The bill prohibits the CSAB from promulgating administrative rules.

The bill requires that every charter school be operated by a governing board and that every contract for the establishment of a charter school be with a nonprofit corporation. The bill removes the restrictions that limit who may attend an independent charter school and allows an entity that is authorized to establish an independent charter school to establish a virtual charter school. The bill eliminates the cap on the number of pupils who may attend virtual charter schools through the Open Enrollment Program, currently set at 5,250.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one

contract. The bill provides that a charter school authorizer is immune from civil and criminal liability for the activities of the charter schools with which it has contracted.

The bill requires every charter school under contract with the CSAB to pay an annual fee to the CSAB. The bill allows every charter school under contract with the CSAB to provide health care for its employees under the Group Insurance Board health coverage plan for local government employees. Although a charter school's employees are not state employees and may not be local government employees, the bill provides that a charter school's governing board may elect to become a participating employer under the Wisconsin Retirement System.

The bill directs the Department of Public Instruction to promulgate rules establishing a charter school teaching license that allows the licensee to teach multiple subjects in a charter school. The rules must require the applicant to demonstrate competence in each subject and must provide the applicant several means of doing so.

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. Current law provides that beginning in the 2011–12 school year, instead of reducing general school aid by the amount of charter school aid paid in the same school year, general school aid will be reduced by the amount of charter school aid paid in the 2010–11 school year. This bill eliminates this cap on the reduction in general school aid described above.

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.** 15.07 (1) (a) 7. of the statutes is created to read:

2 15.07 **(1)** (a) 7. Members of the charter school authorizing board appointed
3 under s. 15.56 shall be appointed as provided in that section.

4 **SECTION 2.** 15.56 of the statutes is created to read:

5 **15.56 Charter school authorizing board. (1)** There is created a charter
6 school authorizing board consisting of the following members appointed for 3–year
7 terms:

8 (a) Three members appointed by the governor, no more than 2 of whom may
9 belong to the same political party.

1 (b) Three members appointed by the senate majority leader, no more than 2 of
2 whom may belong to the same political party.
3 (c) Three members appointed by the speaker of the assembly, no more than 2
4 of whom may belong to the same political party.
5 **(2)** The appointing authorities under sub. (1) shall ensure to the extent feasible
6 that members appointed to the board are geographically diverse and have experience
7 and expertise in governing public and nonprofit organizations; in management and
8 finance; in public school leadership, assessment, and curriculum and instruction;
9 and in education law; and understand and are committed to the use of charter schools
10 to strengthen public education.
11 **(3)** No member of the board may serve more than 2 consecutive terms.
12 **(4)** The board does not have rulemaking authority.
13 **SECTION 3.** 20.265 of the statutes is created to read:
14 **20.265 Charter school authorizing board.** There is appropriated to the
15 charter school authorizing board for the following programs:
16 **(1)** SUPPORT OF CHARTER SCHOOLS. (g) *Oversight.* All moneys received as fees
17 under s. 118.40 (4) (ar) 3. to perform its functions under s. 118.40.
18 (h) *Gifts and grants.* All moneys received from gifts and grants for the purposes
19 for which made.
20 **SECTION 4.** 20.515 (1) (g) of the statutes is created to read:
21 20.515 **(1)** (g) *Benefit and coverage payments; charter school health care*
22 *coverage.* All moneys received from charter school governing boards under s. 40.515
23 who elect to provide coverage for their employees in a health care coverage plan
24 under s. 40.51 (7), for the payment of benefits and the cost of administering benefits
25 under s. 40.515.

1 **SECTION 5.** 20.923 (4) (e) 1. c. of the statutes is created to read:

2 20.923 **(4)** (e) 1. c. Charter school authorizing board: executive director.

3 **SECTION 6.** 20.923 (6) (aLm) of the statutes is created to read:

4 20.923 **(6)** (aLm) Charter school authorizing board: unclassified professional
5 staff.

6 **SECTION 7.** 20.923 (6) (m) of the statutes is amended to read:

7 20.923 **(6)** (m) University of Wisconsin System: deans, principals, professors,
8 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
9 (55), the staff of the environmental education board, and instructional staff
10 employed by the board of regents of the University of Wisconsin System who provide
11 services for a charter school established by contract under s. 118.40 (2r) (cm), 2009
12 stats.

13 **SECTION 8.** 40.02 (28) of the statutes is amended to read:

14 40.02 **(28)** "Employer" means the state, including each state agency, any
15 county, city, village, town, school district, other governmental unit or
16 instrumentality of 2 or more units of government now existing or hereafter created
17 within the state, any charter school under contract with a school board or with an
18 entity specified in s. 118.40 (2r) (b) 1., any federated public library system established
19 under s. 43.19 whose territory lies within a single county with a population of
20 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit
21 authority created under s. 66.1039, and a long–term care district created under s.
22 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not
23 include a local cultural arts district created under subch. V of ch. 229. Each employer
24 shall be a separate legal jurisdiction for OASDHI purposes.

25 **SECTION 9.** 40.02 (36) of the statutes is amended to read:

40.02 **(36)** "Governing body" means the legislature or the head of each state agency with respect to employees of that agency for the state, the common council in cities, the village board in villages, the town board in towns, the county board in counties, the school board in school districts, or the board, commission or other governing body having the final authority for any other unit of government, for any agency or instrumentality of 2 or more units of government, for any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, for a local exposition district created under subch. II of ch. 229, for a charter school under contract with a school board or with an entity specified in s. 118.40 (2r) (b) 1., or for a long–term care district created under s. 46.2895, but does not include a local cultural arts district created under subch. V of ch. 229.

SECTION 10. 40.51 (1) of the statutes is amended to read:

40.51 **(1)** The procedures and provisions pertaining to enrollment, premium transmitted and coverage of eligible employees and employees eligible for health care coverage under s. 40.515 for health care benefits shall be established by contract or rule except as otherwise specifically provided by this chapter.

SECTION 11. 40.515 of the statutes is created to read:

40.515 Health care coverage for individuals employed by charter school governing boards. Beginning on the January 1 that first occurs after the effective date of this subsection .... [LRB inserts date], any charter school governing board operating a charter school under contract with the charter school authorizing board may elect coverage for its employees under any health care coverage plan offered to local government employees under s. 40.51 (7), during any applicable

enrollment period, subject to any conditions established by contract or by rule under s. 40.51 (1).

SECTION 12. 111.81 (7) (f) of the statutes is amended to read:

111.81 **(7)** (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.

SECTION 13. 111.815 (1) of the statutes is amended to read:

111.815 **(1)** In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements, the office, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require

legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2009 stats., is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.

SECTION 14. 111.825 (2) (f) of the statutes is amended to read:

111.825 **(2)** (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.

SECTION 15. 111.92 (1) (c) of the statutes is amended to read:

111.92 **(1)** (c) Any tentative agreement reached between the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2009 stats., acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (2) (f) shall, after official ratification by the labor organization and approval by the chancellor of the University of Wisconsin–Parkside, be executed by the parties.

SECTION 16. 115.001 (1) of the statutes is amended to read:

115.001 **(1)** CHARTER SCHOOL. "Charter school" means a school under contract with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b)~~, or a school established and operated by one of the entities under s. 118.40 (2r) (b)~~.

SECTION 17. 115.001 (16) of the statutes is amended to read:

1 115.001 **(16)** VIRTUAL CHARTER SCHOOL. "Virtual charter school" means a charter
2 school ~~under contract with a school board under s. 118.40~~ in which all or a portion
3 of the instruction is provided through means of the Internet, and the pupils enrolled
4 in and instructional staff employed by the school are geographically remote from
5 each other.

6 **SECTION 18.** 118.19 (14) of the statutes is created to read:

7 118.19 **(14)** The department shall promulgate rules establishing a charter
8 school teaching license that allows the licensee to teach multiple subjects in a charter
9 school. The rules shall require the applicant to demonstrate competence in each
10 subject that he or she wishes to teach and shall provide the applicant several means
11 of doing so.

12 **SECTION 19.** 118.395 of the statutes is created to read:

13 **118.395 Charter school authorizing board; executive director, staff. (1)**
14 The charter school authorizing board shall appoint an executive director outside the
15 classified service. The executive director shall coordinate the activities of the board
16 and exercise such further powers, functions and duties as the board prescribes.

17 **(2)** The executive director of the charter school authorizing board may employ
18 4 professional staff members outside the classified service. Subject to authorization
19 under s. 16.505, the executive director may employ additional professional staff
20 members outside the classified service.

21 **SECTION 20.** 118.40 (2m) (a) of the statutes is amended to read:

22 118.40 **(2m)** (a) A school board may on its own initiative contract with a ~~person~~
23 nonprofit corporation to operate a school as a charter school. The contract shall
24 include all of the provisions specified under sub. (1m) (b) and may include other
25 provisions agreed to by the parties.

1 **SECTION 21.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

2 118.40 **(2r)** (b) 1. (intro.) ~~All~~ Any of the following entities may ~~establish by~~
3 ~~charter and operate a charter school or, on behalf of their respective entities, may~~
4 ~~initiate a~~ contract with ~~an individual or group~~ a nonprofit corporation to operate a
5 ~~school as a~~ charter school:

6 **SECTION 22.** 118.40 (2r) (b) 1. e. and f. of the statutes are created to read:

7 118.40 **(2r)** (b) 1. e. The board of control of a cooperative educational service
8 agency.

9 f. The charter school authorizing board.

10 **SECTION 23.** 118.40 (2r) (b) 2. of the statutes is amended to read:

11 118.40 **(2r)** (b) 2. ~~A charter shall include all of the provisions specified under~~
12 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
13 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
14 school on the liability of the contracting entity under this paragraph. The contract
15 may include other provisions agreed to by the parties. ~~The chancellor of the~~
16 ~~University of Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may~~
17 ~~not establish or enter into a contract for the establishment of a charter school under~~
18 ~~this paragraph without the approval of the board of regents of the University of~~
19 ~~Wisconsin System.~~

20 **SECTION 24.** 118.40 (2r) (b) 3. (intro.) of the statutes is amended to read:

21 118.40 **(2r)** (b) 3. (intro.) If the chancellor of the University of
22 Wisconsin–Parkside contracts for the establishment of a charter school, ~~the contract~~
23 ~~shall also provide that the charter school must be operated by a governing board and~~
24 ~~that the chancellor or his or her designee must be a member of the governing board.~~
25 ~~In addition, if~~ and the contract provides that the instructional staff of the charter

school shall consist of employees of the board of regents of the University of Wisconsin System, the contract shall also include provisions that do all of the following:

SECTION 25. 118.40 (2r) (b) 4. of the statutes is repealed.

SECTION 26. 118.40 (2r) (bm) of the statutes is amended to read:

118.40 **(2r)** (bm) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college district board may only ~~establish or enter into a~~ contract for the establishment of a charter school located in the school district operating under ch. 119. The chancellor of the University of Wisconsin–Parkside may only ~~establish or enter into a~~ contract for the establishment of a charter school located in a unified school district that is located in the county in which the University of Wisconsin–Parkside is situated or in an adjacent county. <u>The board of control of a cooperative educational service agency may only contract for the establishment of a charter school located in the agency's territory.</u>

SECTION 27. 118.40 (2r) (c) and (cm) of the statutes are repealed.

SECTION 28. 118.40 (2r) (d) (intro.) of the statutes is amended to read:

118.40 **(2r)** (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall do all of the following:

SECTION 29. 118.40 (2r) (e) 2. of the statutes is amended to read:

118.40 **(2r)** (e) 2. If the chancellor of the University of Wisconsin–Parkside ~~establishes or~~ contracts for the establishment of a charter school under this subsection, in March the department shall pay to the unified school district in which the charter school is located, from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of school aid per pupil to which the unified school district

is eligible in the current school year multiplied by the number of pupils attending the charter school who attended the charter school in the 2010–11 school year and who were previously enrolled in the unified school district.

SECTION 30. 118.40 (2r) (f) of the statutes is amended to read:

118.40 **(2r)** (f) If the chancellor of the University of Wisconsin–Parkside ~~establishes or~~ contracts for the establishment of a charter school under this subsection, biennially the chancellor shall submit a report to the legislature under s. 13.172 (2). The report shall include information on the academic performance of the pupils who attend the charter school and on the success of the governance structure of the charter school.

SECTION 31. 118.40 (2r) (g) of the statutes is created to read:

118.40 **(2r)** (g) If a school board leases a building to the governing body of a charter school, the lease may not include a provision specifying that it terminates if the lessee enters into a contract with an entity under par. (b) to operate a charter school.

SECTION 32. 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (c) and amended to read:

118.40 **(3m)** (c) ~~A school board or an entity under sub. (2r) (b) shall give~~ Give preference in awarding contracts for the operation of charter schools to those charter schools that serve children at risk, as defined in s. 118.153 (1) (a).

SECTION 33. 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (b) and amended to read:

118.40 **(3m)** (b) ~~When establishing or~~ When contracting for the establishment of a charter school under this section, ~~a school board or entity specified under sub.~~

1 ~~(2r) (b) shall consider~~ adhere to the principles and standards for quality charter
2 schools established by the National Association of Charter School Authorizers.

3 **SECTION 34.** 118.40 (3) (f) of the statutes is created to read:

4 118.40 **(3)** (f) A contract with a school board or an entity under sub. (2r) (b) may
5 provide for the establishment of more than one charter school, and a charter school
6 governing board may enter into more than one contract with a school board or entity
7 under sub. (2r) (b).

8 **SECTION 35.** 118.40 (3) (g) of the statutes is created to read:

9 118.40 **(3)** (g) Except as provided in sub. (4) (ar) 1., a contract with a school
10 board or an entity under sub. (2r) (b) shall require that if the capacity of the charter
11 school is insufficient to accept all pupils who apply, the charter school shall accept
12 pupils at random.

13 **SECTION 36.** 118.40 (3m) (intro.) of the statutes is created to read:

14 118.40 **(3m)** CHARTER SCHOOL AUTHORIZER DUTIES. (intro.) A school board or
15 entity under sub. (2r) (b) shall do all of the following:

16 **SECTION 37.** 118.40 (3m) (a) and (d) to (f) of the statutes are created to read:

17 118.40 **(3m)** (a) Solicit and evaluate charter school applications.

18 (d) Approve only high quality charter school applications that meet identified
19 educational needs and promote a diversity of educational choices.

20 (e) In accordance with the terms of each charter school contract, monitor the
21 performance and compliance with this section of each charter school with which it
22 contracts.

23 (f) Annually, submit to the state superintendent and to the legislature under
24 s. 13.172 (2) a report that includes all of the following:

1. An identification of each charter school operating under contract with the school board or entity under sub. (2r) (b), each charter school that operated under a contract with the school board or entity but had its contract nonrenewed or revoked or that closed, and each charter school under contract with the school board or entity that has not yet begun to operate.

2. The academic and financial performance of each charter school operated under contract with the school board or entity under sub. (2r) (b).

3. The services the school board or entity under sub. (2r) (b) has provided to the charter schools under contract with it and an itemized accounting of the cost of the services.

4. The operating costs of the school board or entity under sub. (2r) (b) incurred under pars. (a) to (e), detailed in an audited financial statement prepared in accordance with generally accepted accounting principles.

SECTION 38. 118.40 (4) (title) of the statutes is amended to read:

118.40 **(4)** (title) CHARTER SCHOOL <u>GOVERNING BOARD;</u> DUTIES<u>, POWERS,</u> AND RESTRICTIONS.

SECTION 39. 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

118.40 **(4)** (ar) *Duties.* (intro.) A charter school <u>governing board</u> shall do all of the following:

SECTION 40. 118.40 (4) (ag) of the statutes is created to read:

118.40 **(4)** (ag) *Governing board.* Each charter school shall be organized as a nonprofit corporation and shall be governed by a governing board that is a party to the contract with the authorizing entity. No governing board member may be a

member or employee of the governing body of the authorizing entity. No more than a minority of the governing board's members may be charter school staff.

SECTION 41. 118.40 (4) (ar) 3. of the statutes is created to read:

118.40 **(4)** (ar) 3. If the governing board is under contract with the charter school authorizing board, annually pay to the board a fee equal to the amount determined by dividing the operational costs of all charter schools that it operated under contract with the board in the previous school year by the total number of pupils enrolled in all such charter schools in the previous school year and multiplying the quotient by 0.02. In order to determine the fee payable in the first school year of operation, the charter school governing board shall estimate its total operational costs and total pupil enrollment in that school year.

SECTION 42. 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and amended to read:

118.40 **(3)** (h) ~~*Single–sex schools and courses.*~~ A school board ~~may enter into a contract for,~~ and an entity under sub. (2r) may ~~establish or enter into a~~ contract for~~,~~ the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

SECTION 43. 118.40 (4) (d) of the statutes is created to read:

118.40 **(4)** (d) *Powers.* Subject to the terms of its contract, a charter school governing board has all the powers necessary to carry out the terms of its contract, including the following:

1. To receive and disburse funds for school purposes.

2. To secure appropriate insurance.

3. To enter into contracts, including contracts with a University of Wisconsin institution or college campus, technical college district board, or private college or university, for technical or financial assistance, academic support, curriculum review, or other services.

4. To incur debt in reasonable anticipation of the receipt of funds.

5. To pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit.

6. To solicit and accept gifts or grants for school purposes.

7. To acquire real property for its use.

8. To sue and be sued in its own name.

SECTION 44. 118.40 (4) (e) of the statutes is created to read:

118.40 **(4)** (e) *Immunity from civil and criminal liability.* A school board or an entity under sub. (2r) (b), and its officers and employees, are immune from civil and criminal liability for any activities of a charter school with which the school board or entity under sub. (2r) (b) contracts.

SECTION 45. 118.40 (4) (f) of the statutes is created to read:

118.40 **(4)** (f) *Local educational agency.* A charter school is a local educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as a local educational agency, and shall comply with all requirements of local educational agencies, under 20 USC 6301 to 6578.

SECTION 46. 118.40 (7) (am) 1. of the statutes is amended to read:

118.40 **(7)** (am) 1. Except as provided in ~~subds.~~ subd. 2. ~~and 3.~~, if a charter school is established under sub. (2m) and located in the school district operating under ch. 119, the school board of that school district shall determine whether or not the charter school is an instrumentality of the school district. If the school board

determines that a charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that a charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

SECTION 47. 118.40 (7) (am) 3. of the statutes is repealed.

SECTION 48. 118.40 (7) (c) of the statutes is created to read:

118.40 **(7)** (c) For the purpose of eligibility for participation in the Wisconsin Retirement System, a charter school is considered a public entity that is carrying out a governmental purpose.

SECTION 49. 118.40 (8) (a) (intro.) of the statutes is amended to read:

118.40 **(8)** (a) *Location.* (intro.) For the purposes of sub. (7) (a), (am), and (ar), a virtual charter school under contract with one or more school boards is considered to be located in the following school district:

SECTION 50. 118.40 (8) (f) 1. of the statutes is amended to read:

118.40 **(8)** (f) 1. The members of the ~~school board~~ governing body of the entity that contracted for the establishment of the virtual charter school and the administrators of that ~~school district~~ entity.

SECTION 51. 118.40 (8) (g) 2. of the statutes is amended to read:

118.40 **(8)** (g) 2. Subject to subd. 2m., the third time in the same semester that a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the governing body of the virtual charter school shall also notify the ~~school board~~ governing body of the entity that contracted for the establishment of the virtual charter school, the school board of the pupil's resident school district, and the department. The ~~school board~~ governing body of the entity that contracted for the establishment of the

virtual charter school may transfer the pupil to his or her resident school district. If the pupil is a resident of the school district that contracted for the establishment of the virtual charter school, the school board may assign the pupil to another school or program within that school district. If the ~~school board~~ governing body transfers or the school board assigns a pupil, it shall notify the pupil's parent or guardian and the department.

SECTION 52. 118.40 (8) (g) 3. of the statutes is amended to read:

118.40 **(8)** (g) 3. The parent or guardian of a pupil transferred to the pupil's resident school district under subd. 2. may appeal the transfer to the department within 30 days after receipt of the notice of transfer. The department shall affirm the ~~school board's~~ governing body's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 53. 118.40 (8) (h) of the statutes is repealed.

SECTION 54. 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ar).

SECTION 55. 118.51 (1) (ag) of the statutes is created to read:

118.51 **(1)** (ag) "Charter school" excludes a school under contract with an entity under s. 118.40 (2r) (b).

SECTION 56. 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 **(3)** (a) 6. If an application is accepted, on or before the first Friday following the first Monday in June following receipt of a notice of acceptance, ~~or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under s. 118.40 (8) (h) 5.,~~ the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

SECTION 57. 118.51 (3) (a) 7. of the statutes is repealed.

1 **SECTION 58.** 118.51 (3) (b) of the statutes is amended to read:

2 118.51 **(3)** (b) *Notice to resident school district.* Annually by June 30, each
3 nonresident school board that has accepted a pupil under this section for attendance
4 in the following school year shall report the name of the pupil to the pupil's resident
5 school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the~~
6 ~~nonresident school board shall report the name of the pupil to the pupil's resident~~
7 ~~school board within 10 days of receiving notice of the pupil's selection from the~~
8 ~~department.~~

9 **SECTION 59.** 119.60 (5) of the statutes is created to read:

10 119.60 **(5)** Annually by August 1 the common council shall report to the
11 department, the charter school authorizing board, and the legislature under s.
12 13.172 (2) all of the following:

13 (a) All instances in the previous school year in which a person expressed
14 interest in purchasing or leasing any city–owned property used for school purposes
15 to a city official or employee. If the property was not sold or leased, the report shall
16 indicate the reason.

17 (b) All sales of city–owned property used for school purposes that occurred in
18 the previous school year and all leases of such property that were entered into in the
19 previous school year.

20 **SECTION 60.** 121.02 (1) (a) 2. of the statutes is amended to read:

21 121.02 **(1)** (a) 2. ~~Subject~~ Except as provided in s. 118.40 (2r) (d) 1. and subject
22 to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in
23 the school district hold a license or permit to teach issued by the department. For
24 purposes of this subdivision, a virtual charter school under contract with one or more
25 school boards is located in the school district specified in s. 118.40 (8) (a) and a charter

school established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision.

SECTION 61. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 **(4)** (a) 1. ~~In the 2009–10 and 2010–11 school year, add~~ Add the amounts paid under s. 118.40 (2r) in the current school year~~, and in the 2011–12 school year and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the 2010–11 school year~~.

SECTION 62. 230.08 (2) (dm) of the statutes is amended to read:

230.08 **(2)** (dm) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.

SECTION 63. 230.08 (2) (wc) of the statutes is created to read:

230.08 **(2)** (wc) Professional staff members of the charter school authorizing board authorized under s. 118.395 (2).

SECTION 64. 230.35 (1s) of the statutes is amended to read:

230.35 **(1s)** Annual leave of absence with pay for instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats., shall be determined by the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2009 stats., as approved by the chancellor of the University of Wisconsin–Parkside and subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff.

SECTION 65. Nonstatutory provisions.

1 (1) Notwithstanding section 15.56 (1) of the statutes, as created by this act, of
2 the initial members appointed to the charter school authorizing board under section
3 15.56 (1) (a) of the statutes, as created by this act, one member shall be appointed
4 for a term expiring on May 1, 2013, and one member shall be appointed for a term
5 expiring on May 1, 2015; of the initial members appointed under section 15.56 (1) (b)
6 of the statutes, as created by this act, one member shall be appointed for a term
7 expiring on May 1, 2013, and one member shall be appointed for a term expiring on
8 May 1, 2015; and of the initial members appointed under section 15.56 (1) (c) of the
9 statutes, as created by this act, one member shall be appointed for a term expiring
10 on May 1, 2013, and one member shall be appointed for a term expiring on May 1,
11 2015. All other initial members appointed to the charter school authorizing board
12 shall be appointed for terms expiring on May 1, 2014.

13 **SECTION 66. Initial applicability.**

14 (1) CHARTER SCHOOL CONTRACTS. The treatment of sections 118.40 (2m) (a), (2r)
15 (b) 1. (intro.) and 2. and (e) 2., (3) (e), (f) and (g), (4) (ag), (d), and (e), and (7) (am) 3.
16 of the statutes first applies to a contract for the establishment of a charter school that
17 is entered into, renewed, or modified on the effective date of this subsection.

18 (2) SCHOOL LEASES. The treatment of section 118.40 (2r) (g) of the statutes first
19 applies to a lease entered into, renewed, or modified on the effective date of this
20 subsection.

21 **(END)**

Parisi, Lori

From: Rep.Vos
Sent: Wednesday, February 09, 2011 9:39 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1359/1 Topic: Charter schools

Please Jacket LRB 11-1359/1 for the ASSEMBLY.