

2011 DRAFTING REQUEST

Bill

Received: 11/22/2010

Received By: pgrant

Wanted: As time permits

Companion to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Connie Schulze

May Contact:

Drafter: pgrant

Subject: Education - charter schools

Addl. Drafters:

Extra Copies: TKK

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Create state charter school board; expand charter schools

Instructions:

See attached

Drafting History:

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/P1	pgrant 01/10/2011	csicilia 01/12/2011	mduchek 12/29/2010	_____	mbarman 12/29/2010		S&L
/1	pgrant 01/18/2011	csicilia 01/19/2011	mduchek 01/12/2011	_____	mbarman 01/12/2011		S&L
/2	pgrant	csicilia	phenry	_____	sbasford		S&L

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/3			phenry	_____	mbarman	mbarman	
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Grant, Peter

From: Grant, Peter
Sent: Thursday, November 11, 2010 12:59 PM
To: Letzing, Rachel
Subject: RE: Draft Legislative Language
 Hi Rachel,

Upon first glance, the model charter school law doesn't look helpful. What would be helpful would be information on how they would like to change current Wisconsin charter school law, written by someone who is familiar with that law.

Here are some of my initial questions, based upon the "Nine -Point Legislative Agenda" that you gave me a copy of earlier this week:

1. State Charter School Board I noticed that the model charter school law includes the creation of a state public charter school commission. Should I still assume that CESA's are being substituted for the commission? If not, I have a number of questions about the commission.
2. Quality Control I need more info on "quality control provisions." There's not much to go on here.
3. Equitable Funding The Agenda states that all pupils in charter schools should "receive 100% of the funds they would receive if they enrolled in traditional public schools." But charter schools established by school boards are governed by the charter, i.e., by the contract that's entered into between the school board and the governing body of the charter school. Do you want to impose a minimum amount per pupil that the school board *must* pay to the operator of the charter school? How would that amount be determined? Is it how much the school board spends per pupil? Should all school district costs be included, including debt service costs? If the result is a significant increase in the amount of the payment, won't that reduce the number of charter schools? For (2r) charters (those that do not involve school boards), the state pays the operator of the charter school and then reduces the state aid of all school districts. The payment is determined by a formula. How would you like to change the calculation?
4. Provide Better Facilities The Agenda states "...provide charter schools with equal access to closed or unused public school facilities." How would this work? For example, who would decide if school facilities are closed or unused? What if the school board has plans to use the facilities within 5 or 10 years? Who would determine the rent? Must the school board rent the facilities at any price the charter school determines? How long must the rental term be? Regarding the second recommendation, I think I understand what you mean by credit enhancement (the state would have a moral obligation to back up a loan obtained by a charter school), but I would need to know what the total amount of such enhancement would be, and who would decide which charter schools would have their credit enhanced and by how much?
5. Eliminate Caps OK
6. Autonomous Facilities Current law allows a school board or other chartering entity to *establish or contract for the establishment of* a charter school. Do you want to eliminate the first option; i.e., do you want to allow a school board or other entity to establish a charter school *only* by entering into a contract for the establishment of the charter school? If so, are current charter schools that do not comply with that requirement grandfathered in?
7. Replication and Expansion Do you want to *allow* a contract to provide for more than one charter school? (If you *require* a contract to do so, won't that reduce the number of contracts?)
8. Lotteries Right now, the only type of charter school for which there are application deadlines are virtual charter schools, because there is an enrollment cap. For all others, there is no statutory schedule. To require a lottery, there would have to be a deadline for applying. What kind of timeline do you want to impose?
9. Access to State Retirement and Other Benefits I don't think there's a problem with extending state employee health benefits to all charter school employees (even those that are not school district or other governmental entity employees), but under federal law it is not possible to extend participation in the WRS to nongovernmental employees. As I understand it, it is not the function of the entity that matters, it is whether the employer is a governmental entity. Charter schools may be public schools in many senses, but if the employees are not employees of a school district or other governmental entity, federal law does not permit them to participate in the WRS.

That's all I've got for now. I really can't do any additional work on this until I get drafting instructions. So far, the directions are so vague and undeveloped that I haven't even entered a drafting request in our system.

Peter

From: Letzing, Rachel
Sent: Wednesday, November 10, 2010 2:37 PM
To: Grant, Peter
Subject: FW: Draft Legislative Language

Peter, Attached is what I hope will be helpful information about Senator Darling's charter school draft. Thanks.

Rachel

From: Schulze, Connie
Sent: Wednesday, November 10, 2010 12:09 PM
To: Letzing, Rachel
Subject: FW: Draft Legislative Language

More from Dennis Conta.

From: Dennis Conta [mailto:dennis@dconta.com]
Sent: Wednesday, November 10, 2010 12:04 PM
To: Schulze, Connie
Subject: Fwd: Draft Legislative Language

Attached is some language from the model charter school law developed by the National Association of Public Charter Schools. It provides additional definitions and

11/11/2010

clarification to the material I have sent previously. Please share it with the drafters.

----- Original Message -----

Subject:Draft Legislative Language

Date:Wed, 10 Nov 2010 12:23:18 -0500

From:Todd Ziebarth <Todd@publiccharters.org>

To:dennis@dconta.com <dennis@dconta.com>, John Gee <jgee@wicharterschools.org>, Sarah Granofsky (sgranofsky@wicharterschools.org) <sgranofsky@wicharterschools.org>

Here's the draft legislative language. It is drawn from our model law. As I mentioned before, I'm going to share the draft legislative lan

Todd Ziebarth
Vice President, State Advocacy and Support
National Alliance for Public Charter Schools
(414) 288-0756 (office)
(720) 252-8076 (cell)
todd@publiccharters.org
<http://www.publiccharters.org>

1. State Charter School Board I noticed that the model charter school law includes the creation of a state public charter school commission. Should I still assume that CESA's are being substituted for the commission? If not, I have a number of questions about the commission.

No. Our preference is that the legislature creates a state charter school board in addition to allowing CESAs to become authorizers. We would also like to see the legislature replace Milwaukee Area Technical College with another entity in Milwaukee (like Cardinal Stritch University). I've added some language to 118.40 as a starting point for each of these items.

2. Quality Control I need more info on "quality control provisions." There's not much to go on here.

I've added some language to 118.40 as a starting point for these items.

3. Equitable Funding The Agenda states that all pupils in charter schools should "receive 100% of the funds they would receive if they enrolled in traditional public schools." But charter schools established by school boards are governed by the charter; i.e., by the contract that's entered into between the school board and the governing body of the charter school. Do you want to impose a minimum amount per pupil that the school board *must* pay to the operator of the charter school? How would that amount be determined? Is it how much the school board spends per pupil? Should all school district costs be included, including debt service costs? If the result is a significant increase in the amount of the payment, won't that reduce the number of charter schools? For (2r) charters (those that do not involve school boards), the state pays the operator of the charter school and then reduces the state aid of all school districts. The payment is determined by a formula. How would you like to change the calculation? I think we should keep the calculation for (2r) charters.

4. Provide Better Facilities The Agenda states "...provide charter schools with equal access to closed or unused public school facilities." How would this work? For example, who would decide if school facilities are closed or unused? What if the school board has plans to use the facilities within 5 or 10 years? Who would determine the rent? Must the school board rent the facilities at any price the charter school determines? How long must the rental term be? Regarding the second recommendation, I think I understand what you mean by credit enhancement (the state would have a moral obligation to back

up a loan obtained by a charter school), but I would need to know what the total amount of such enhancement would be, and who would decide which charter schools would have their credit enhanced and by how much?

I've added some draft provisions for each of these items in 118.40 as a starting point.

5. Eliminate Caps OK.

I've eliminated the caps in 118.40.

6. Autonomous Facilities Current law allows a school board or other chartering entity to *establish or contract for the establishment* of a charter school. Do you want to eliminate the first option; i.e., do you want to allow a school board or other entity to establish a charter school *only* by entering into a contract for the establishment of the charter school? No. If so, are current charter schools that do not comply with that requirement grandfathered in? I've added some provisions throughout 118.40 that we think will strengthen the autonomy of charter schools as a starting point.

7. Replication and Expansion Do you want to *allow* a contract to provide for more than one charter school? Yes. (If you *require* a contract to do so, won't that reduce the number of contracts?)

8. Lotteries Right now, the only type of charter school for which there are application deadlines are virtual charter schools, because there is an enrollment cap. For all others, there is no statutory schedule. To require a lottery, there would have to be a deadline for applying. What kind of timeline do you want to impose? I don't think we need to impose a timeline in statute. I've added some provisions in 118.40 as a starting point.

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federal law does not permit them to participate in the WRS. I've added a provision to 118.40 that provides access to state retirement and other benefits for charter schools. Should we also add a provision that states that charter schools that choose to participate in the WRS will be considered governmental entities for the purposes of WRS?

Dundling

Wisconsin Charter Schools Association and Milwaukee Charter School Advocates

A Nine-Point Legislative Agenda to Support the Growth of High-Quality Public Charter Schools in Wisconsin¹

November 2010

Wisconsin was one of the first states to enact a charter school law in 1993. For that, it should be applauded. Throughout the mid- to late 1990s and into the early part of the 2000s, the state continued to make major improvements to the law, steps that again merit praise. Since 2002, however, the state has largely failed to make similar improvements, leaving it behind many of the other states that have made refinements to reflect lessons learned about how charter laws can best promote high-quality charter schools.

In fact, according to a January 2010 report entitled *How State Charter Laws Rank Against The New Model Public Charter School Law*, Wisconsin's law was ranked 33rd out of the 40 jurisdictions with charter school laws, only scoring 71 points out of a possible 208. This rankings report, by the National Alliance for Public Charter Schools, was the first-ever ranking of all state charter school laws based on the full range of values in the public charter school movement: quality and accountability, funding equity, facilities support, autonomy, and growth and choice. It assessed the strengths of each state's charter school law against the 20 essential components of a model public charter school law created by the Alliance.

Needless to say, Wisconsin's charter school law needs a major overhaul. The rest of this document provides a blueprint for that overhaul by outlining an eight-point legislative agenda that will align Wisconsin's charter school law to best practices nationally. By enacting this agenda, Wisconsin will create the conditions that allow high-quality public charter schools to flourish in the state.

1. Create a State Charter School Board and Ensure Its Schools Are Autonomous

Authorizers are the entities that approve charter applications and monitor charter school performance. Most states with charter laws allow local school boards to serve as charter authorizers. 30 states and the District of Columbia also permit non-district entities (such as universities, colleges, and state charter school boards) to serve as charter authorizers, usually in addition to local school boards.

States allow non-district entities to serve as authorizers because they believe that charter applicants should have a choice of authorizers, particularly in districts that are skeptical – if not downright hostile – toward charters. In addition to providing charter applicants

¹ This document is based on information drawn from *A New Model Law For Supporting The Growth of High-Quality Public Charter Schools* and *How State Charter Laws Rank Against The New Model Public Charter School Law*, both produced by the National Alliance for Public Charter Schools.

multiple avenues toward authorization, allowing non-district entities to become authorizers forces districts to take their authorizing roles seriously. If they don't, charter applicants will go to the non-district entity.

While local school districts often understand the importance of charter schools, it is usually difficult for them to understand the differences between managing traditional public schools and authorizing public charter schools. The creation of additional authorizing entities takes the burden off local school districts that support more public school options, but don't have the capacity to authorize charter schools.

A particularly innovative approach is found in the eight jurisdictions that have created state charter school boards. The jurisdictions with such boards (and the year that they created them) are: Arizona (1994), Colorado (2004), Georgia (2008), Hawaii (2007), Idaho (2004), South Carolina (2006), Utah (2004), and Washington, D.C. (1995). The primary advantage of state charter school boards is that their core mission is the authorization of high-quality public charter schools. That, and only that, is what they do, allowing them to develop expertise on a tough task that is usually given inadequate attention in a state.

In Milwaukee, Wisconsin law allows the local school board, the city of Milwaukee, the University of Wisconsin-Milwaukee, and the Milwaukee Area Technical College to serve as authorizers. Outside of Milwaukee, Wisconsin law only allows local school boards to serve as authorizers. In addition, it allows the University of Wisconsin-Parkside to sponsor one charter school in the Racine School District.

The charter schools authorized by the non-district entities in Wisconsin have the high levels of autonomy that are part of the charter bargain of more flexibility in exchange for increased accountability. Unfortunately, the vast majority of the charter schools authorized by school districts in the state don't have that same level of autonomy.

Recommendation: Wisconsin should amend its law to create a state charter school board that would have the ability to authorize charter schools throughout the state. These schools should have the same high levels of autonomy that the charter schools authorized by the city of Milwaukee, the University of Wisconsin-Milwaukee, and the University of Wisconsin-Parkside currently have. Wisconsin should also ensure that the state charter school board is adequately funded and publicly accountable.

CESAs should be statewide authorizer (Darby 11/9)

2. Create Quality Control Through Rigorous But Fair Application, Contracting, Oversight, and Renewal, Non-renewal, and Revocation Processes

It is critical to the quality of public charter schools and the credibility of the public charter school movement that charters be held accountable for their results – and authorizers have an essential role to play in ensuring such accountability. Across the country, however, state laws have too often given short shrift to ensuring that authorizers are appropriately exercising their quality control responsibilities – which are defined as creating rigorous but fair application, contracting, oversight, and renewal, non-renewal,

and revocation processes. When authorizers are exercising their quality control responsibilities, they should be primarily focused on outputs, primarily student achievement.

Obviously, getting the implementation of such provisions right in practice is just as important as getting them right in policy. And, some authorizers have established serious quality control practices in spite of their state law's silence on these provisions. However, from our perspective, it is critical that state laws accelerate the movement of more authorizers toward the best-in-class practices exhibited by the nation's best ones. According to the National Alliance's January 2010 rankings report, the following states are leaders in establishing quality control policies to guide the work of authorizers and should serve as models for Wisconsin: Massachusetts, Arkansas, New York, and Minnesota.

Wisconsin's law currently doesn't pay much attention to authorizers' quality control responsibilities, leaving wide room for variation in authorizer performance. A few have implemented their responsibilities effectively, but most haven't. In the National Alliance's January 2010 rankings report, Wisconsin scored only 20 points out of a possible 64 points on the four quality control components (application, contracting, oversight, and renewal, non-renewal, and revocation processes).

Recommendation: Wisconsin should amend its law to align its quality control provisions with the best-in-class provisions in the leading states.

3. Ensure Public Charter School Students Are Equitably Funded

The 41 jurisdictions with public charter school laws vary greatly in how they fund public charter schools. While their approaches vary, most states share one commonality: They usually provide significantly less funding to public charter schools as compared to traditional public schools. In fact, a 2010 Ball State University study entitled *Charter School Funding: Inequity Persist* found that public charter schools receive only 81% of the dollars that flow to traditional public schools.

The funding gap is actually worse in Wisconsin. While there isn't much data about how much district-authorized charter schools receive, the Ball State University study estimated that public charter schools in Wisconsin only receive 75% of what traditional public schools receive, at most. The gap is even greater for charter schools authorized by non-district entities in Milwaukee. While some strides were made in the 2009 legislative session for these schools, these schools still only receive 58% of what traditional public schools receive in Milwaukee (\$7,775 versus \$13,318).

Recommendation: Wisconsin should amend its law to ensure that students in all public charter schools receive 100% of the funds that they would receive if they enrolled in traditional public schools.

4. Provide Better Facilities Support to Public Charter Schools

One of the biggest challenges facing public charter schools is finding and financing school facilities. The 41 jurisdictions with public charter school laws vary greatly in how they provide facility support to public charter schools. What's clear from the first almost 20 years of the public charter school movement is that there is not a "silver bullet" to resolving charters' facilities challenges.

Instead, states will likely have to implement a menu of approaches for supporting public charter school facility needs. Menu options include the following:

- A per-pupil facilities allowance;
- A charter school facility grant program;
- A charter school facility revolving loan program;
- Equal access to existing bonding authorities;
- Equal access to closed or unused public school facilities;
- Credit enhancement for bond transactions through the use of the state's moral obligation authority;
- A credit enhancement fund;
- Equal access to existing state facilities programs for traditional public schools; and,
- A prohibition on any facility-related requirements that are stricter than those applied to traditional public schools.

Wisconsin law only provides one item off this menu to the state's charter schools. It provides that charter schools are eligible to receive tax-exempt financing from the Wisconsin Health and Educational Facilities Authority and various city redevelopment agencies.

In the long-term, the public charter school community in Wisconsin will be advocating for the adoption of many of these items, most notably a per-pupil facilities allowance for public charter schools. Given the current budget situation in the state, however, we would like to draw the state's attention to two no-cost items.

First, the state should provide charter schools with equal access to closed or unused public school facilities. These are buildings that taxpayers have already paid for, and too many of them are sitting empty. These vacant buildings are blights on neighborhoods and put the taxpayers' investment to waste – at the same time that public charter school operators scramble to find adequate and affordable facilities credit enhancement for bond transactions, which they'll use more taxpayer dollars to fund. This situation just doesn't add up, particularly in such tight budget times. It's time that the taxpaying community demands that districts make these buildings available to all public charter schools.

Second, the state should provide credit enhancement for bond transactions through the use of the state's moral obligation authority. This effort should be modeled on the

provisions in Colorado, where the state provides a mechanism for limited credit enhancement for eligible, highly rated bond transactions for charter schools by using the state's moral obligation to back up to \$400 million in debt. This mechanism has significantly reduced borrowing costs for public charter schools.

Recommendation: Wisconsin should amend its law to require school districts to put surplus properties on the marketplace and to give public charter schools the right of first offer on these properties. Wisconsin should also amend its law to provide credit enhancement for bond transactions through the use of the state's moral obligation authority.

5. Eliminate All Caps on Public Charter School Growth

Almost 20 years after passage of the nation's first charter law, it's become clear that artificial limits on charter expansion do not ensure quality, but do limit access to high-quality public school choices for the students and families who are demanding them. States must connect charter growth to charter quality, but by providing the resources, oversight, and accountability that helps charter schools thrive – not by artificially restricting charter growth. Chartering is a vital option for improving public education for all students in all states. So the ideal situation is no artificial restrictions on charter growth.

Wisconsin's law contains two problematic caps. The first one provides that the number of students attending virtual charters may not exceed 5,250, while the second one provides that the University of Wisconsin-Parkside may only sponsor one charter school in the Racine School District that may not enroll more than 480 students.

Recommendation: Wisconsin should amend its law to eliminate all of its limits on the number of public charter schools and students in the state.

6. Provide that Charter Schools are Fiscally and Legally Autonomous Entities with Independent Governing Boards

Public charter schools must be fiscally and legally autonomous entities, and as such they must have an independent governing board that must sign a formal charter contract with the school's authorizer. Even for charter schools authorized by their local school board, a separate governing board must be created in order for there to be two formal parties to the charter contract.

Wisconsin law grants some fiscal and legal autonomy to non-district authorized schools and district-authorized non-instrumentality schools, but not to district-authorized instrumentality schools. It does not require charter schools to have independent governing boards.

Recommendation: Wisconsin should amend its law to require that charter schools are fiscally and legally autonomous with independent governing boards.

7. Promote Replication and Expansion of High-Performing Public Charter Schools

The charter movement has created a major opportunity for rapid improvement in the performance of public schooling by scaling up successful models launched at a single site. While replication is challenging, it has proven to be a more effective and efficient way of increasing the number of high-quality public school options available in a community, especially as compared to imposing “effective practices” on a school that is chronically failing.

When states first enacted charter laws, they envisioned organizations opening and operating individual schools, not multiple schools. To better support the significant amount of replication activity in the charter sector, we recommend that charter laws contain provisions allowing for the creation of multiple schools under a single charter contract and for an effective governing board to oversee schools under more than one charter contract.

Such arrangements provide a high degree of flexibility and minimize administrative restrictions on the expansion of successful programs. It is important to note that authorizers must play a strong role in these cases to ensure that only effective governance models and high performing programs are rewarded with replication.

Wisconsin’s law is currently silent about such arrangements.

Recommendation: Wisconsin should amend its law to allow for the creation of multiple schools under a single charter and for an effective governing board to oversee schools under more than one charter contract.

7.7. Require that Public Charter Schools Conduct Lotteries

To provide all students an equally fair chance at attending a public charter school, public charter schools must hold a lottery if student demand exceeds the supply of available seats in a school. This approach prohibits a “first come, first serve” approach to enrollment which often discriminates against students who don’t have parents aggressively pursuing each and every potential school option. With lottery requirements, when a school is looking to fill 100 seats from a list of 600 enrollees, student number #600 has an equally good chance as student #1 of attending the school.

Wisconsin’s law currently requires potential charter school operators to describe their requirements for admission to the school in their petition to start a charter school, but does not require charter schools to conduct lotteries.

Recommendation: Wisconsin should amend its law to require public charter schools to select students through a lottery if the school’s capacity is insufficient to enroll all students who wish to attend the school.

9 **8. Give All Public Charter Schools Equal Access to State Retirement and Other Benefits Programs**

As public schools, charter schools should have the same access to state retirement and other benefits programs as other public schools. Such an option is essential to creating a level playing field in the competition for the best and brightest teachers. Some public charter schools will choose to participate, while others will choose to provide these benefits through other mechanisms for cost or other reasons.

Under Wisconsin law, charter schools that are part of school districts are required to participate in state retirement and other benefits programs, but charter schools that are not part of school districts are prohibited from participating in state retirement and other benefits programs.

Recommendation: Wisconsin should amend its law to provide all public charter schools – whether or not they are part of school districts – with the choice of participating in state retirement and other benefits programs.

(1) Key Definitions

- (a) An “authorizer” means an entity authorized under this Act to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts.
- (b) A “charter contract” means a fixed-term, renewable contract between a public charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.
- (c) A “governing board” means the independent board of a public charter school that is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school’s application.
- (d) A “public charter school” means a public school that:
 - (i) Has autonomy over decisions including, but not limited to, matters concerning finance, personnel, scheduling, curriculum, and instruction;
 - (ii) Is governed by an independent governing board;
 - (iii) Is established and operating under the terms of a charter contract between the school’s board and its authorizer;
 - (iv) Is a school to which parents choose to send their children;
 - (v) Is a school that admits students on the basis of a lottery if more students apply for admission than can be accommodated;
 - (vi) Provides a program of education that includes one or more of the following: pre-school, pre-kindergarten, any grade or grades from kindergarten through 12th grade, and adult community, continuing, and vocational education programs;
 - (vii) Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and
 - (viii) Operates under the oversight of its authorizer in accordance with its charter contract.

(2) Open Enrollment and Lottery Requirements

- (a) A public charter school shall be open to any student residing in the state.
- (b) A school district shall not require any student enrolled in the school district to attend a public charter school.
- (c) A public charter school shall not limit admission based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability.
- (d) A public charter school may limit admission to students within a given age group or grade level and may be organized around a special emphasis, theme, or concept as stated in the school’s application.
- (e) A public charter school shall enroll all students who wish to attend the school, unless the number of students exceeds the capacity of a program, class, grade level, or building.
- (f) If capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a lottery.

(3) Enrollment Preferences

- (a) Any non-charter public school converting partially or entirely to a public charter school shall adopt and maintain a policy giving enrollment preference to students who reside within the former attendance area of that public school.
- (b) A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year and to siblings of students already enrolled in the public charter school. An enrollment preference for returning students excludes those students from entering into a lottery.
- (c) A public charter school may give enrollment preference to children of a public charter school’s founders, governing board members, and full-time employees, so long as they constitute no more than 10% of the school’s total student population.
- (d) This section does not preclude the formation of a public charter school whose mission is focused on serving students with disabilities, students of the same gender, students who pose such severe

disciplinary problems that they warrant a specific educational program, or students who are at risk of academic failure. If capacity is insufficient to enroll all students who wish to attend such school, the public charter school shall select students through a lottery.

(4) State Public Charter School Commission

- (a) This Act establishes a state public charter school commission (the “Commission”) as an independent state agency with statewide chartering jurisdiction and authority.
- (b) The mission of the Commission shall be to authorize high-quality public charter schools throughout the state, particularly schools designed to expand opportunities for at-risk students, consistent with the purposes of this Act.
- (c) The Commission shall consist of nine members, no more than five of whom shall be members of the same political party. Three members shall be appointed by the Governor; three members shall be appointed by the President of the Senate; and three members shall be appointed by the Speaker of the House of Representatives. In making the appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure statewide geographic diversity among Commission members.
- (d) Members appointed to the Commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, and curriculum and instruction, and public education law. All members of the Commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.
- (e) To establish staggered terms of office, the initial term of office for three Commission members shall be four years and thereafter shall be three years; the initial term of office for another three members shall be three years and thereafter shall be three years; and the initial term of office for the last three members shall be two years and thereafter shall be two years. No member shall serve more than seven consecutive years. The initial appointments shall be made no later than [INSERT DATE].
- (f) A member of the Commission may be removed for any cause that renders the member incapable or unfit to discharge the duties of the office. Whenever a vacancy on the Commission exists, the original appointing authority shall appoint a member for the remaining portion of the term.
- (g) To commence operations, the Commission shall be funded initially by a one-time state appropriation of \$250,000. The Commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this Act, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.
- (h) The Commission shall operate with dedicated resources and staff qualified to execute the day-to-day responsibilities of public charter school authorizing in accordance with this Act.

(5) Authorizer Funding

- (a) To cover authorizer costs for overseeing public charter schools in accordance with this Act, the state shall remit to each authorizer an oversight fee for each public charter school it authorizes. The oversight fee shall be drawn from and calculated as a uniform percentage of the per-student operational funding allocated to each public charter school, not to exceed two percent of each public charter school’s per-student funding in a single school year.
- (b) An authorizer’s oversight fee shall not include any costs incurred in delivering services that a public charter school may purchase at its discretion from the authorizer. The authorizer shall use its funding provided under this section exclusively for the purpose of fulfilling authorizing obligations in accordance with this Act.

(6) Services Purchased from Authorizer – Itemized Accounting

- (a) With the exception of oversight services as required by Section (2), no public charter school shall be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(b) A public charter school may, at its discretion, choose to purchase services from its authorizer. In such event, the public charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the authorizer and any service fees to be charged to the public charter school. An authorizer may not charge more than market rates for services provided to a public charter school.

(c) Within 45 days after the end of each fiscal year, each authorizer shall provide to each public charter school it oversees an itemized accounting of the actual costs of services purchased by the public charter school from the authorizer. Any difference between the amount initially charged to the public charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in such accounting, or charges to either party, the disputing party is entitled to request a third-party review at its own expense. The third-party's determination shall be final.

(7) Authorizer Reporting

(a) Every authorizer shall be required to submit to the general assembly an annual report summarizing:

- (i) The authorizer's strategic vision for chartering and progress toward achieving that vision;
- (ii) The academic and financial performance of all operating public charter schools overseen by the authorizer, according to the performance expectations for public charter schools set forth in this Act;
- (iii) The status of the authorizer's public charter school portfolio, identifying all public charter schools in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;
- (iv) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer's operating costs and expenses detailed in annual audited financial statements that conform with Generally Accepted Accounting Principles; and
- (v) The services purchased from the authorizer by the public charter schools under its purview, including an itemized accounting of the actual costs of these services.

(9) Authorizer Powers, Duties, and Liabilities

(a) Authorizers are responsible for executing, in accordance with this Act, the following essential powers and duties:

- (i) Soliciting and evaluating charter applications;
- (ii) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices;
- (iii) Declining to approve weak or inadequate charter applications;
- (iv) Negotiating and executing sound charter contracts with each approved public charter school;
- (v) Monitoring, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and
- (vi) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(b) An authorizing entity may delegate its duties to offices, employees, and contractors.

(c) Regulation by authorizers shall be limited to these powers and duties, and consistent with the spirit and intent of this Act.

(d) An authorizing entity, members of the board of an authorizer in their official capacity, and employees of an authorizer are immune from civil and criminal liability with respect to all activities related to a public charter school they authorize.

(10) Principles and Standards for Charter Authorizing

(a) All authorizers shall be required to develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility including: organizational capacity and infrastructure; soliciting and evaluating charter applications; performance contracting; ongoing public charter school oversight and evaluation; and charter renewal decision-making. Authorizers shall carry out all their duties under this Act in a manner consistent with such nationally recognized principles and standards

and with the spirit and intent of this Act. Evidence of material or persistent failure to do so shall constitute grounds for losing charter authorizing powers.

(11) Exclusivity of Authorizing Functions and Rights

(a) No governmental or other entity, other than those expressly granted chartering authority as set forth in this Act, may assume any charter authorizing function or duty in any form, unless expressly allowed by law.

(12) Charter Application Contents

(a) To solicit, encourage, and guide the development of quality public charter school applications, every authorizer operating under this Act shall issue and broadly publicize its charter application package.

(b) Charter applicants may submit a proposal for a particular public charter school to no more than one authorizer at a time.

(c) Each authorizer's charter application package shall present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that help at-risk students.

(e) The charter application package shall include or otherwise direct applicants to the performance framework that the authorizer has developed for public charter school oversight and evaluation.

(f) The charter application package shall include the criteria that will guide the authorizer's decision to approve or deny a charter application.

(g) The charter application package shall state clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful public charter school.

(h) The charter application package shall require charter applications to provide or describe thoroughly, and each charter application shall provide or describe thoroughly, all of the following essential elements of the proposed school plan:

(i) An executive summary;

(ii) The mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school hopes to serve;

(iii) The location or geographic area proposed for the school;

(iv) The grades to be served each year for the full term of the charter contract;

(v) Minimum, planned, and maximum enrollment per grade per year for the term of the charter contract;

(vi) Evidence of need and community support for the proposed public charter school;

(vii) Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;

(viii) The school's proposed calendar and sample daily schedule;

(ix) A description of the academic program aligned with state standards;

(x) A description of the school's instructional design, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview, and teaching methods;

(xi) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer;

(xii) The school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations;

(xiii) A description of co-curricular or extracurricular programs and how they will be funded and delivered;

(xiv) Plans and timelines for student recruitment and enrollment, including lottery procedures;

(xv) The school's student discipline policies, including those for special education students;

(xvi) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies (such as

- advisory bodies or parent and teacher councils), and any external organizations that will play a role in managing the school;
- (xvii) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;
 - (xviii) A staffing chart for the school's first year, and a staffing plan for the term of the charter;
 - (xix) Plans for recruiting and developing school leadership and staff;
 - (xx) The school's leadership and teacher employment policies, including performance evaluation plans;
 - (xxi) Proposed governing bylaws;
 - (xxii) Explanations of any partnerships or contractual relationships central to the school's operations or mission;
 - (xxiii) The school's plans for providing transportation, food service, and all other significant operational or ancillary services;
 - (xxiv) Opportunities and expectations for parent involvement;
 - (xxv) A detailed school start-up plan, identifying tasks, timelines and responsible individuals;
 - (xxvi) Description of the school's financial plan and policies, including financial controls and audit requirements;
 - (xxvii) A description of the insurance coverage the school will obtain;
 - (xxix) Start-up and five-year budgets with clearly stated assumptions;
 - (xxix) Start-up and first-year cash-flow projections with clearly stated assumptions;
 - (xxx) Evidence of anticipated fundraising contributions, if claimed in the application; and,
 - (xxx) A sound facilities plan, including backup or contingency plans if appropriate.
- (i) In the case of an application to establish a public charter school by converting an existing non-charter public school to public charter school status, the charter application package shall additionally require the applicants to demonstrate support for the proposed public charter school conversion by a petition signed by a majority of teachers and a petition signed by a majority of parents of students in the existing non-charter public school.
- (j) In the case of a proposal to establish a virtual public charter school, the charter application package shall additionally require the applicants to describe the proposed school's system of course credits and how the school will:
- (i) Monitor and verify full-time student enrollment, student participation in a full course load, credit accrual, and course completion;
 - (ii) Monitor and verify student progress and performance in each course through regular, proctored assessments and submissions of coursework;
 - (iii) Conduct parent-teacher conferences; and
 - (iv) Administer state-required assessments to all students in a proctored setting.
- (k) In the case of a proposed public charter school that intends to contract with an education service provider for substantial educational services, management services, or both types of services, the charter application package shall additionally require the applicants to:
- (i) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of non-academic school functions if applicable;
 - (ii) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract; and
 - (iii) Disclose and explain any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities.
- (l) In the case of a public charter school proposal from an applicant that currently operates one or more schools in any state or nation, the charter application package shall additionally require the applicant to provide evidence of past performance and current capacity for growth.

(13) Charter Application Decision-making Process

- (a) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. The application review process shall include thorough evaluation of each written charter application, an in-person interview with the applicant group, and an opportunity in a public forum for local residents to learn about and provide input on each application.
- (b) In deciding whether to approve charter applications, authorizers shall:
- (i) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful public charter school;
 - (ii) Base decisions on documented evidence collected through the application review process;
 - (iii) Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.
- (c) No later than [INSERT NUMBER OF DAYS] after the filing of a charter application, the authorizer shall decide to approve or deny the charter application. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer's governing board.
- (d) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.
- (e) For any charter denial, the authorizer shall clearly state, for public record, its reasons for denial. A denied applicant may subsequently re-apply to that authorizer or apply to any other authorizer in the state.
- (f) Within [INSERT NUMBER OF DAYS] of taking action to approve or deny a charter application, the authorizer shall report to the state the action it has taken. The authorizer shall provide a copy of the report to the charter applicant at the same time that the report is submitted to the state. The report shall include a copy of the authorizer governing board's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the procedural requirements and application elements set forth in this Act.

(14) Purposes and Limitations of Charter Applications

- (a) The purposes of the charter application are to present the proposed public charter school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans, and provide the authorizer a clear basis for assessing the applicant's plans and capacities. An approved charter application shall not serve as the school's charter contract.

(15) Initial Charter Term

- (a) An initial charter shall be granted for a term of five operating years. The charter term shall commence on the public charter school's first day of operation. An approved public charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the extension depending on the particular school's circumstances.

(16) Charter Contracts

- (a) Within [INSERT NUMBER OF DAYS] of approval of a charter application, the authorizer and the governing board of the approved public charter school shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged and the administrative relationship between the authorizer and public charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract shall include but need not be limited to applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the public charter school is operating and has collected baseline achievement data for its enrolled students.

- (b) The charter contract for a virtual public charter school shall include description and agreement regarding the methods by which the school will:
- (i) Monitor and verify full-time student enrollment, student participation in a full course load, credit accrual, and course completion;
 - (ii) Monitor and verify student progress and performance in each course through regular, proctored assessments and submissions of coursework;
 - (iii) Conduct parent-teacher conferences; and
 - (iv) Administer state-required assessments to all students in a proctored setting.
- (c) The charter contract shall be signed by the president of the authorizer's governing board and the president of the public charter school's governing body. Within [INSERT NUMBER OF DAYS] of executing a charter contract, the authorizer shall submit to the state written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.
- (d) No public charter school may commence operations without a charter contract executed in accordance with this provision and approved in an open meeting of the authorizer's governing board.

(17) Performance Framework

- (a) The performance provisions within the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorizer's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:
- (i) Student academic proficiency;
 - (ii) Student academic growth;
 - (iii) Achievement gaps in both proficiency and growth between major student subgroups;
 - (iv) Attendance;
 - (v) Recurrent enrollment from year to year;
 - (vi) Postsecondary readiness (for high schools);
 - (vii) Financial performance and sustainability; and
 - (viii) Board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.
- (b) Annual performance targets shall be set by each public charter school in conjunction with its authorizer, and shall be designed to help each school meet applicable federal, state, and authorizer expectations.
- (c) The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the authorizer approves the quality and rigor of such school-proposed indicators, and they are consistent with the purposes of this Act.
- (d) The performance framework shall require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English Learner status, and gifted status).
- (e) For each public charter school it oversees, the authorizer shall be responsible for collecting, analyzing, and reporting all data from state assessments in accordance with the performance framework.
- (f) Multiple schools operating under a single charter contract or overseen by a single governing board shall be required to report their performance as separate, individual schools, and each school shall be held independently accountable for its performance.

(18) Ongoing Oversight

- (a) An authorizer shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the charter contract. Every authorizer shall have the authority to conduct oversight activities that enable the authorizer to fulfill its responsibilities under this Act, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this Act, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools.

(b) Each authorizer shall annually publish and provide, as part of its annual report to the general assembly, a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the charter contract and Section V, (7) of this Act. The authorizer may require each public charter school it oversees to submit an annual report to assist the authorizer in gathering complete information about each school, consistent with the performance framework.

(c) In the event that a public charter school's performance or legal compliance appears unsatisfactory, the authorizer shall promptly notify the public charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation in which case the revocation timeframes will apply.

(19) Renewals, Revocations, and Non-renewals

(a) A charter may be renewed for successive five-year terms of duration, although the authorizer may vary the term based on the performance, demonstrated capacities, and particular circumstances of each public charter school. An authorizer may grant renewal with specific conditions for necessary improvements to a public charter school.

(b) No later than [INSERT DATE], the authorizer shall issue a public charter school performance report and charter renewal application guidance to any public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based on the data required by this Act and the charter contract, and shall provide notice of any weaknesses or concerns perceived by the authorizer concerning the public charter school that may jeopardize its position in seeking renewal if not timely rectified. The public charter school shall have [INSERT NUMBER OF DAYS] to respond to the performance report and submit any corrections or clarifications for the report.

(c) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school to:

- (i) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
- (ii) Describe improvements undertaken or planned for the school; and
- (iii) Detail the school's plans for the next charter term.

(d) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on the performance framework set forth in the charter contract and consistent with this Act.

(e) No later than [INSERT DATE], the governing board of a public charter school seeking renewal shall submit a renewal application to the charter authorizer pursuant to the renewal application guidance issued by the authorizer. The authorizer shall rule by resolution on the renewal application no later than [INSERT NUMBER OF DAYS] after the filing of the renewal application.

(f) In making charter renewal decisions, every authorizer shall:

- (i) Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;
- (ii) Ensure that data used in making renewal decisions are available to the school and the public; and
- (iii) Provide a public report summarizing the evidence basis for each decision.

(g) A charter contract may be revoked at any time or not renewed if the authorizer determines that the public charter school did any of the following or otherwise failed to comply with the provisions of this Act:

- (i) Commits a material and substantial violation of any of the terms, conditions, standards, or procedures required under this Act or the charter contract;
- (ii) Fails to meet or make sufficient progress toward the performance expectations set forth in the charter contract;
- (iii) Fails to meet generally accepted standards of fiscal management; or
- (iv) Substantially violates any material provision of law from which the public charter school was not exempted.

(h) An authorizer must develop revocation and non-renewal processes that:

- (i) Provide the charter holders with a timely notification of the prospect of revocation or non-renewal and of the reasons for such possible closure;

- (ii) Allow the charter holders a reasonable amount of time in which to prepare a response;
 - (iii) Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;
 - (iv) Allow the charter holders access to representation by counsel and to call witnesses on their behalf;
 - (v) Permit the recording of such proceedings; and
 - (vi) After a reasonable period for deliberation, require a final determination be made and conveyed in writing to the charter holders.
- (i) If an authorizer revokes or does not renew a charter, the authorizer shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.
 - (j) Within [INSERT NUMBER OF DAYS] of taking action to renew, not renew, or revoke a charter, the authorizer shall report to the state the action taken, and shall provide a copy of the report to the public charter school at the same time that the report is submitted to the state. The report shall include a copy of the authorizer governing board's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this Act.

(20) School Closure and Dissolution

- (a) Prior to any public charter school closure decision, an authorizer shall have developed a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets in accordance with the requirements of this Act. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. In the event of a public charter school closure for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.
- (b) In the event of a public charter school closure for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school, and then to the state treasury to the credit of the general revenue fund. If the assets of the school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

(21) Legal Status of Public Charter School

- (a) Notwithstanding any provision of law to the contrary, to the extent that any provision of this Act is inconsistent with any other state or local law, rule, or regulation, the provisions of this Act shall govern and be controlling.
- (b) A public charter school shall be a non-profit education organization.
- (c) A public charter school shall be subject to all federal laws and authorities enumerated herein or arranged by charter contract with the school's authorizer, where such contracting is consistent with applicable laws, rules, and regulations.
- (d) Except as provided in this Act, a public charter school shall not be subject to the state's education statutes or any state or local rule, regulation, policy, or procedure relating to non-charter public schools within an applicable local school district regardless of whether such rule, regulation, policy, or procedure is established by the local school board, the state board of education, or the state department of education.
- (e) A charter contract may consist of one or more schools, to the extent approved by the authorizer and consistent with applicable law. Each public charter school that is part of a charter contract shall be separate and distinct from any others.
- (f) A single governing board may hold one or more charter contracts. Each public charter school that is part of a charter contract shall be separate and distinct from any others.

(22) Powers of Public Charter School

(a) A public charter school shall have all the powers necessary for carrying out the terms of its charter contract including the following powers:

- (i) To receive and disburse funds for school purposes;
- (ii) To secure appropriate insurance and to enter into contracts and leases, free from prevailing wage laws;
- (iii) To contract with an education service provider for the management and operation of the public charter school so long as the school's governing board retains oversight authority over the school;
- (iv) To incur debt in reasonable anticipation of the receipt of public or private funds;
- (v) To pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;
- (vi) To solicit and accept any gifts or grants for school purposes subject to applicable laws and the terms of its charter contract;
- (vii) To acquire real property for use as its facility or facilities, from public or private sources; and,
- (viii) To sue and be sued in its own name.

(23) General Requirements

- (a) A public charter school shall not discriminate against any person on the basis of race, creed, color, sex, disability, or national origin or any other category that would be unlawful if done by a non-charter public school.
- (b) No public charter school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.
- (c) A public charter school shall not discriminate against any student on the basis of national-origin minority status or limited proficiency in English. Consistent with federal civil rights laws, public charter schools shall provide limited English proficient students with appropriate services designed to teach them English and the general curriculum.
- (d) A public charter school shall not charge tuition and may only charge such fees as may be imposed on other public schools in the state.
- (e) The powers, obligations, and responsibilities set forth in the charter contract cannot be delegated or assigned by either party.

(24) Applicability of Other Laws, Rules, and Regulations

- (a) Public charter schools shall be subject to the same civil rights, health, and safety requirements applicable to other public schools in the state, except as otherwise specifically provided in this Act.
- (b) Public charter schools shall be subject to the student assessment and accountability requirements applicable to other public schools in the state, but nothing herein shall preclude a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.
- (c) Public charter school governing boards shall be subject to and comply with state open meetings and freedom of information laws.

(25) Public Charter School Employees

- (a) Employees in public charter schools shall have the same rights and privileges as other public school employees except as otherwise stated herein.
- (c) Employees in public charter schools are eligible for participation in retirement and other benefits programs of the state, if the public charter school chooses to participate.
- (d) Teachers and other school personnel, as well as governing board trustees, shall be subject to criminal history record checks and fingerprinting requirements applicable to other public schools.
- (e) Public charter school employees cannot be required to be members of any existing collective bargaining agreement between a school district and its employees. A public charter school may not interfere, however, with laws and other applicable rules protecting the rights of employees to organize and be free from discrimination.

(26) Moral Obligation of the State

(a) The general assembly hereby finds and declares that its intent in enacting this section is to support public charter schools and public charter school capital construction by helping qualified public charter schools that choose to have the [INSERT NAME OF BONDING AUTHORITY] issue bonds on their behalf obtain more favorable financing terms for the bonds.

(b) If the [INSERT NAME OF BONDING AUTHORITY] has issued bonds on behalf of a public charter school that defaults on its debt service payment obligations, the board of directors of the authority shall submit to the governor a certificate certifying any amount of moneys required to fulfill the school's debt service payment obligations. The governor shall submit a request for appropriations in an amount sufficient to fulfill the school's debt service payment obligations and the general assembly may, but shall not be required to, appropriate moneys for said purpose. If, in its sole discretion, the general assembly appropriates any moneys for said purpose, the aggregate outstanding principal amount of bonds for which moneys may be appropriated for said purpose shall not exceed [INSERT DOLLAR AMOUNT].

(27) Access to District Facilities and Land

(a) A school district shall put surplus properties on the public marketplace.

(b) A public charter school shall have a right of first refusal to purchase or lease at or below fair market value a closed public school facility or property or unused portions of a public school facility or property located in a school district from which it draws its students if the school district decides to sell or lease the public school facility or property.

1. Expand the number of charter authorizers statewide and in Milwaukee.

Who should specifically authorize the charter school?

Outside of Milwaukee, an applicant would have two options: the local school board or the statewide authorizer.

In Milwaukee, applicants would have the following options: the local school board, the city, UWM, and the statewide authorizer (as well as MATC if they ever become an authorizer).

This item will be included in our proposed statutory language.

What procedures would be required to be used in creating a charter?

We propose that the statute includes transparent application, review, and decision-making processes.

This item will be included in our proposed statutory language.

For example, would a public hearing be required?

Yes.

This item will be included in our proposed statutory language.

Also, would an application process be used to solicit proposals or would the entity only be able to initiate a charter school creation?

The application process would have specific timelines by which applicants must submit proposal. An authorizer could choose to solicit proposal via an RFP if it so chose.

This item will be included in our proposed statutory language.

How many charter schools would each entity be authorized to create?

There would be no limit on how many charter schools each entity could authorize.

We will not include such a limit in our proposed statutory language.

Should the charter school be subject to a specified enrollment limit?

Only if the authorizer and the school agree to such a limit in its charter contract.

This item will be included in our proposed statutory language.

What would be the attendance area for the charter school? For example, the attendance area could be limited to those pupils residing in the school district in

which the charter school is located. However, it would also be possible to allow pupils from a broader area (county; CESA; or work location) to also attend.

A charter school should be open to any student in the state. If a charter school chooses to have an attendance area, that area should be included in its charter contract.

This item will be included in our proposed statutory language.

2. Allow authorizers for virtual charter schools in addition to school districts.

Who should specifically authorize a virtual charter school?

Outside of Milwaukee, an applicant would have two options: the local school board or the statewide authorizer.

In Milwaukee, applicants would have the following options: the local school board, the city, UWM, and the statewide authorizer (as well as MATC if they ever become an authorizer).

This item will be included in our proposed statutory language.

How many virtual charter schools would each entity be authorized to create?

There would be no limit on how many virtual charter schools each entity could authorize.

We will not include such a limit in our proposed statutory language.

Should the virtual charter school be subject to a specified enrollment limit?

Only if the authorizer and the school agree to such a limit in its charter contract.

This item will be included in our proposed statutory language.

3. Allow authorizers to grant operators multiple charters.

Would there be a limit on the number of charters one authorizer could grant?

There would be no limit on how many charter schools each entity could authorize.

We will not include such a limit in our proposed statutory language.

4. Create minimum standards by which authorizers are to hold charter operators accountable.

What kinds of standards? Examples include assessments, annual testing in some or all grades, measures of improvement in certain subject areas, student

attendance, and indicators of parent satisfaction. Something else?

The Alliance's model law has a section regarding performance frameworks that should be included in each charter contract. See Attachment A for the statutory language from this section.

This item will be included in our proposed statutory language.

5. Insure that teacher licensing requirements for charter school teachers are flexible in keeping with the needs of charter schools.

What is meant by "flexible"?

I think that John has the best sense of what we want for teacher licensing flexibility. I think that we're approaching this one through DPI regulation as opposed to statutory fixes.

6. Provide grant funding to assist charter schools with the purchase and renovation of facilities.

What is the source of the grant money and what entity would administer it (DPI)? Presumably charter schools would need to apply for the grants. What would be the eligibility criteria for getting a grant? How would the amount of the grant be determined? Which types of charter schools would be eligible?

Ideally, the state would provide a per-pupil facilities allowance to each charter school. Or, the state could create a charter school facility grant program that could be administered by DPI or the Department of Administration. Given the state's budget situation, I assume that these items are off the table in 2011.

If there is an appetite for either a per-pupil facilities allowance or a grant program, we could propose statutory language.

7. Require public school districts to offer surplus facilities to charter school operators before otherwise disposing of them.

What is considered a "surplus facility"? Which charter schools would be eligible to receive an offer?

An unused or underutilized (e.g., where less than 50% of the square footage is used for instruction, charter schools can access the underutilized portion of the building) public school building.

Any charter school would be eligible to access such buildings.

This item will be included in our proposed statutory language.

8. Study means of assisting charter schools to pay their employees reasonable compensation and benefits including allowing such employees to participate in the Wisconsin Retirement System.

Regarding participation in the WI Retirement System: currently, it may be possible to get cost estimate information about adding charter school employees to the retirement system from DPI and ETF. ETF may need to do an actuarial study. One question would be, who would pay the charter school employee's employer contribution - the chartering entity? The school district?

I think the chartering entity should pay it.

This item will be included in our proposed statutory language.

Attachment A

Performance Framework Statutory Language from Alliance's Model Law

(1) Performance Framework

(a) The performance provisions within the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorizer's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

- (i) Student academic proficiency;
- (ii) Student academic growth;
- (iii) Achievement gaps in both proficiency and growth between major student subgroups;
- (iv) Attendance;
- (v) Recurrent enrollment from year to year;
- (vi) Postsecondary readiness (for high schools);
- (vii) Financial performance and sustainability; and
- (viii) Board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

(b) Annual performance targets shall be set by each public charter school in conjunction with its authorizer, and shall be designed to help each school meet applicable federal, state, and authorizer expectations.

(c) The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the authorizer approves the quality and rigor of such school-proposed indicators, and they are consistent with the purposes of this Act.

(d) The performance framework shall require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English Learner status, and gifted status).

(e) For each public charter school it oversees, the authorizer shall be responsible for collecting, analyzing, and reporting all data from state assessments in accordance with the performance framework.

(f) Multiple schools operating under a single charter contract or overseen by a single governing board shall be required to report their performance as separate, individual schools, and each school shall be held independently accountable for its performance.

Here are some of my initial questions, based upon the "Nine -Point Legislative Agenda" that you gave me a copy of earlier this week:

1. State Charter School Board I noticed that the model charter school law includes the creation of a state public charter school commission. Should I still assume that CESA's are being substituted for the commission? If not, I have a number of questions about the commission.
2. Quality Control I need more info on "quality control provisions." There's not much to go on here.
3. Equitable Funding The Agenda states that all pupils in charter schools should "receive 100% of the funds they would receive if they enrolled in traditional public schools." But charter schools established by school boards are governed by the charter; i.e., by the contract that's entered into between the school board and the governing body of the charter school. Do you want to impose a minimum amount per pupil that the school board *must* pay to the operator of the charter school? How would that amount be determined? Is it how much the school board spends per pupil? Should all school district costs be included, including debt service costs? If the result is a significant increase in the amount of the payment, won't that reduce the number of charter schools? For (2r) charters (those that do not involve school boards), the state pays the operator of the charter school and then reduces the state aid of all school districts. The payment is determined by a formula. How would you like to change the calculation?
4. Provide Better Facilities The Agenda states "...provide charter schools with equal access to closed or unused public school facilities." How would this work? For example, who would decide if school facilities are closed or unused? What if the school board has plans to use the facilities within 5 or 10 years? Who would determine the rent? Must the school board rent the facilities at any price the charter school determines? How long must the rental term be? Regarding the second recommendation, I think I understand what you mean by credit enhancement (the state would have a moral obligation to back up a loan obtained by a charter school), but I would need to know what the total amount of such enhancement would be, and who would decide which charter schools would have their credit enhanced and by how much?
5. Eliminate Caps OK.
6. Autonomous Facilities Current law allows a school board or other chartering entity to *establish or contract for the establishment* of a charter school. Do you want to eliminate the first option; i.e., do you want to allow a school board or other entity to establish a charter school *only* by entering into a contract for the establishment of the charter school? If so, are current charter schools that do not comply with that requirement grandfathered in?
7. Replication and Expansion Do you want to *allow* a contract to provide for more than one charter school? (If you *require* a contract to do so, won't that reduce the number of contracts?)
8. Lotteries Right now, the only type of charter school for which there are application deadlines are virtual charter schools, because there is an enrollment cap. For all others, there is no statutory schedule. To require a lottery, there would have to be a deadline for applying. What kind of timeline do you want to impose?
9. Access to State Retirement and Other Benefits I don't think there's a problem with extending state employee health benefits to all charter school employees (even those that are not school district or other governmental entity employees), but under federal law it is not possible to extend participation in the WRS to nongovernmental employees. As I understand it, it is not the function of the entity that matters, it is whether the employer is a governmental entity. Charter schools may be public schools in many senses, but if the employees are not employees of a school district or other governmental entity, federal law does not permit them to participate in the WRS.

Grant, Peter

From: Schulze, Connie
Sent: Monday, November 22, 2010 9:27 AM
To: Grant, Peter
Subject: FW: Re: Two Documents
Attachments: RE: Two Documents

Hello Peter,

Dennis Conta asked that I get these items to you right away. Please see email below for further explanation.

Sincerely,
Connie Schulze
Office of Sen. Darling
PHONE: 608/266-5830

From: Dennis Conta [mailto:dennis@dconta.com]
Sent: Monday, November 22, 2010 8:21 AM
To: Schulze, Connie
Cc: Todd Ziebarth; John Gee
Subject: Fwd: Re: Two Documents

Good Morning, Connie - please provide the draft person in LRB (I think his name is Peter Grant) with the attached documents. I am availabilities at a moments notice if you or he need anything further.

We very much appreciate your efficient and thoughtful efforts,

Dennis

Grant, Peter

From: Todd Ziebarth [Todd@publiccharters.org]
Sent: Friday, November 19, 2010 9:06 PM
To: John Gee
Cc: dennis@dconta.com
Subject: RE: Two Documents

Attachments: 118.40 - Amended.doc; Respones to Peter Grant.doc



118.40 - Respones to Peter
nended.doc (133 K Grant.doc (3..

IFF sent me a few tweaks to the access to public school buildings section, which I forgot to incorporate into the documents. Please use the attached ones, which include IFF's suggestions. Thanks.

Todd Ziebarth
Vice President, State Advocacy and Support National Alliance for Public Charter Schools
(414) 288-0756 (office)
(720) 252-8076 (cell)
todd@publiccharters.org
<http://www.publiccharters.org>

From: John Gee [jgee@wicharterschools.org]
Sent: Friday, November 19, 2010 5:44 PM
To: Todd Ziebarth
Cc: dennis@dconta.com
Subject: Re: Two Documents

Monumental if this goes through anywhere near the way it is currently written.

On 11/19/2010 5:35 PM, Todd Ziebarth wrote:

Here are the revised documents. I think they're ready to be sent to Darling's office. Thanks.

Todd Ziebarth
Vice President, State Advocacy and Support National Alliance for Public Charter Schools
(414) 288-0756 (office)
(720) 252-8076 (cell)
todd@publiccharters.org<mailto:todd@publiccharters.org>
<http://www.publiccharters.org>

--

John Gee
Executive Director
Wisconsin Charter Schools Association
608-886-4339

118.40 Charter schools.

(1) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends to establish a charter school, it shall notify the state superintendent of its intention. Whenever one of the entities under sub. (2r) (b) intends to establish a charter school, it shall notify the state superintendent of its intention by February 1 of the previous school year. A notice under this subsection shall include a description of the proposed school.

(1m) PETITION. (a) A written petition requesting the school board to establish a charter school under this section may be filed with the school district clerk. The petition shall be signed by at least 10% of the teachers employed by the school district or by at least 50% of the teachers employed at one school of the school district.

(b) The petition shall include all of the following:

1. The name of the person who is seeking to establish the charter school.
2. The name of the person who will be in charge of the charter school and the manner in which administrative services will be provided.
3. A description of the educational program of the school.
4. The methods the school will use to enable pupils to attain the educational goals under s. 118.01.
5. The method by which pupil progress in attaining the educational goals under s. 118.01 will be measured.
6. The governance structure of the school, including the method to be followed by the school to ensure parental involvement.
7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02 (1) (a) 2., the qualifications that must be met by the individuals to be employed in the school.
8. The procedures that the school will follow to ensure the health and safety of the pupils.
9. The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the school district population.
10. The requirements for admission to the school.
11. The manner in which annual audits of the financial and programmatic operations of the school will be performed.
12. The procedures for disciplining pupils.
13. The public school alternatives for pupils who reside in the school district and do not wish to attend or are not admitted to the charter school.
14. A description of the school facilities and the types and limits of the liability insurance that the school will carry.
15. The effect of the establishment of the charter school on the liability of the school district.

(2) PUBLIC HEARING; GRANTING OF PETITION. (a) Within 30 days after receiving a petition under sub. (1m) the school board shall hold a public hearing on the petition. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school described in the petition and the fiscal impact of the establishment of the charter school on the school district. After the hearing, the school board may grant the petition.

(b) A school board may grant a petition that would result in the conversion of all of the

public schools in the school district to charter schools if all of the following apply:

1. At least 50% of the teachers employed by the school district sign the petition.
2. The school board provides alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a charter school.

(c) The school board of the school district operating under ch. 119 shall either grant or deny the petition within 30 days after the public hearing. If the school board of the school district operating under ch. 119 denies a petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the department. The department shall issue a decision within 30 days after receiving the appeal. The department's decision is final and not subject to judicial review under ch. 227.

(2m) SCHOOL BOARD INITIATIVE. (a) A school board may on its own initiative contract with a person to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties.

(am) At least 30 days before entering in a contract under this subsection that would convert a private school to a charter school or that would establish a charter school that is not an instrumentality of the school district, the school board shall hold a public hearing on the contract. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school and the fiscal impact of the establishment of the charter school on the school district.

(b) A school board may not enter into a contract under par. (a) that would result in the conversion of all of the public schools in the school district to charter schools unless the school board complies with sub. (2) (b) 2.

(2r) OTHER INITIATIVES. (a) In this subsection, "instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.

(b) 1. ~~All~~ of the following entities may establish by charter, on behalf of their respective entities, a school as a charter school:

- a. The common council of the city of Milwaukee.
- b. The chancellor of the University of Wisconsin-Milwaukee.
- c. ~~The chancellor of the University of Wisconsin-Parkside.~~
- d. Cardinal Stritch University.
- e. The Wisconsin charter schools commission.
- f. Cooperative educational service agencies.

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Deleted: On a pilot basis, t

Deleted: The Milwaukee area technical college district board

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

3. If the chancellor of the University of Wisconsin-Parkside contracts for the establishment of a charter school, the contract shall also provide that the charter school must be operated by a governing board and that the chancellor or his or her designee must

be a member of the governing board. In addition, if 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:

a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation and fringe benefits of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation and fringe benefits of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.

b. Authorize the governing board of the charter school to perform specified duties for the board of regents with respect to the instructional staff. This authorization may include duties related to supervising the instructional staff, taking disciplinary actions with respect to the instructional staff, recommending new hires or layoffs, collective bargaining, claims, complaints, or benefits and records administration.

~~(bm) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee, and Cardinal Stritch University 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.~~

3. A pupil may attend Woodlands School, a charter school established in the school district operating under ch. 119 under this subsection, regardless of the pupil's school district of residence, if any of the following applies:

a. The pupil attended Woodlands School in the 2003-04 school year and, beginning in the 2005-06 school year, in the previous school year.

b. A member of the pupil's family who resides in the same household as the pupil attended Woodlands School in the 2003-04 school year.

~~(c) The chartering or contracting entity under par. (b) shall do all of the following:~~

1. Ensure that all instructional staff of charter schools under this subsection hold a license or permit to teach issued by the department.

2. Administer the examinations under ss. 118.30 (1r) and 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

~~(d) 1. a. In the 2009-10 and 2010-11 school years, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school.~~

b. In the 2011-12 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the per pupil revenue limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the number of pupils attending the charter school.

c. The amount paid per pupil under this subdivision may not be less than the amount paid

Deleted: 4. No chartering or contracting entity under subd. 1. may establish or enter into a contract for the establishment of a virtual charter school.¶

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Deleted: (c) 1. Except as provided in subd. 3., only pupils who reside in the school district in which a charter school established under this subsection is located may attend the charter school.¶

Deleted: (cm) The chancellor of the University of Wisconsin-Parkside may establish or enter into a contract for the establishment of only one charter school under this subsection, which may not operate high school grades and which may not accommodate more than 480 pupils.¶

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per pupil under this subdivision in the previous school year. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

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 were previously enrolled in the unified school district.

(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.

(g) The Wisconsin charter schools commission is an independent state agency with statewide chartering jurisdiction and authority.

1. The mission of the commission shall be to authorize high-quality public charter schools throughout the state, particularly schools designed to expand opportunities for at-risk students.

2. The commission shall consist of nine members, no more than five of whom shall be members of the same political party. Three members shall be appointed by the Governor; three members shall be appointed by the President of the Senate; and three members shall be appointed by the Speaker of the House of Representatives. In making the appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure statewide geographic diversity among commission members.

majority leader

3. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, and curriculum and instruction, and public education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

4. To establish staggered terms of office, the initial term of office for three commission members shall be four years and thereafter shall be three years; the initial term of office for another three members shall be three years and thereafter shall be three years; and the initial term of office for the last three members shall be two years and thereafter shall be two years. No member shall serve more than seven consecutive years. The initial appointments shall be made no later than September 30, 2011.

*1 4 yr 1 2 yr
1 4 yr 1 2 yr
1 4 yr 1 2 yr*

5. A member of the commission may be removed for any cause that renders the member incapable or unfit to discharge the duties of the office. Whenever a vacancy on the commission exists, the original appointing authority shall appoint a member for the remaining portion of the term.

governed by current law

6. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out its purposes, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

7. The commission shall operate with dedicated resources and staff qualified to execute the day-to-day responsibilities of public charter school authorizing.

how much staff?

8. To cover its costs for authorizing public charter schools, the commission may withhold a fee from each public charter school it authorizes. The oversight fee shall be drawn from and calculated as a uniform percentage of the per-student operational funding allocated to each public charter school, not to exceed two percent of each public charter school's per-student funding in a single school year.

person named in the petition
by name on behalf of bid

(3) CONTRACT. (a) If the school board grants the petition under sub. (2), the school board shall contract with the chairperson of the charter school governing board to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties.

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(b) A contract under par. (a) or under subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract.

which must be separate from school bid?

(c) 1. A school board may not enter into a contract for the establishment of a charter school located outside the school district, except as follows:

- a. If 2 or more school boards enter into an agreement under s. 66.0301 to establish a charter school, the charter school shall be located within one of the school districts.
- b. If one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish a charter school, the charter school shall be located within the boundaries of the cooperative educational service agency.
- c. If one or more school boards enter into an agreement with a federally recognized Indian tribe or band in this state to establish a charter school, the charter school shall be located within one of the school districts or within the boundaries of the tribe's or band's reservation.

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1m. Subdivision 1. does not apply to the establishment of a virtual charter school.

2. A school board may not enter into a contract that would result in the conversion of a private, sectarian school to a charter school.

(d) A school board or an entity under sub. (2r) (b) shall 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).

(e) When establishing or contracting for the establishment of a charter school under this section, a school board or entity specified under sub. (2r) (b) shall consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

3. An authorizer under sub. (2r) may enter into an agreement with a federally recognized Indian tribe or band in this state to establish a charter school located within the boundaries of the tribe's or band's reservation.

American?

(4) CHARTER SCHOOL DUTIES, RESTRICTIONS, POWERS, AND GOVERNING BOARDS. (a) *Duties.* A charter school shall do all of the following:

1. If the charter school replaces a public school in whole or in part, give preference in admission to any pupil who resides within the attendance area or former attendance area

where must char. school be located?

any of em?

conflicts 7/(2r) (b.m)

which restricts where (2r) char. may be located

of that public school.

2. Be nonsectarian in its programs, admissions policies, employment practices and all other operations.

3. Be open to any student residing in the state.

4. Enroll all students who wish to attend the school, unless the number of students exceeds the capacity of a program, class, grade level, or building. If capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a lottery.

} apply to all charters?
or only (2r) charters?

(b) *Restrictions.* A charter school may not do any of the following:

1. Charge tuition, except as otherwise provided in s. 121.83(4).

2. Except as provided in par. (c), discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

(c) *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.

(d) *Powers.* A charter school shall have all the powers necessary for carrying out the terms of its charter contract including the following powers:

1. To receive and disburse funds for school purposes;

2. To secure appropriate insurance and to enter into contracts and leases;

3. To incur debt in reasonable anticipation of the receipt of public or private funds;

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

5. To solicit and accept any gifts or grants for school purposes subject to applicable laws and the terms of its charter contract;

6. To acquire real property for use as its facility or facilities, from public or private sources; and,

7. To sue and be sued in its own name. *charter?*

(e) *Governing Boards.* Each charter school shall have a governing board that is party to the charter contract with its authorizer. A majority of each governing board's members shall be non-personnel from the school. A governing board shall not contain board members and administrators from the authorizers that have approved the school.

} all charters?
or only (2r) charters

(5) **CHARTER REVOCATION.** A charter may be revoked by the school board or the entity under sub. (2r) (b) that contracted with the charter school if the school board or, if applicable, the entity under sub. (2r) (b) finds that any of the following occurred:

(a) The charter school violated its contract with the school board or the entity under sub. (2r) (b).

(b) The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01.

(c) The charter school failed to comply with generally accepted accounting standards of fiscal management.

meaning?

(d) The charter school violated this section.

(6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter school without his or her approval, if the pupil is an adult, or the approval of his or her parents or legal guardian, if the pupil is a minor.

(7) LEGAL STATUS; APPLICABILITY OF SCHOOL LAWS. (a) Except as provided in par. (am), the school board of the school district in which a charter school is located shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that the 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 the charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

(am) 1. Except as provided in subds. 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.

2. A charter school established under sub. (2r) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of any school district and no school board may employ any personnel for the charter school. If the chancellor of the University of Wisconsin–Parkside contracts for the establishment of a charter school under sub. (2r), the board of regents of the University of Wisconsin System may employ instructional staff for the charter school.

3. Notwithstanding subd. 2., if the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, the charter school is an instrumentality of the school district operating under ch. 119 and the board of the school district operating under ch. 119 shall employ all personnel for the charter school.

4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) 1. c., that school board shall determine whether the charter school is an instrumentality of the school district regardless of the location of the charter school.

(ar) Nothing in this subsection affects the rights of personnel of a charter school that is an instrumentality of a school district to engage in collective bargaining pursuant to subch. IV of ch. 111.

(b) Except as otherwise explicitly provided, chs. 115 to 121 do not apply to charter schools.

(c) A charter contract may consist of one or more schools, to the extent approved by the authorizer and consistent with applicable law. Each public charter school that is part of a charter contract shall be separate and distinct from any others.

(d) A single governing board may hold one or more charter contracts. Each public charter school that is part of a charter contract shall be separate and distinct from any others.

don't you need a K for each charter?

(e) Employees in public charter schools are eligible for participation in retirement and other benefits programs of the state, if the public charter school chooses to participate.

but not public employees
not employed by a
virtual entity

(8) VIRTUAL CHARTER SCHOOLS. (a) *Location.* For the purposes of sub. (7) (a), (am), and (ar), a virtual charter school is considered to be located in the following school district:

1. If a school board contracts with a person to establish the virtual charter school, in the school district governed by that school board.

2. If 2 or more school boards enter into an agreement under s. 66.0301 to establish the virtual charter school, or if one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish the virtual charter school, in the school district specified in the agreement.

(b) *Licensure.* 1. The governing body of a virtual charter school shall assign an appropriately licensed teacher for each online course offered by the virtual charter school. No person holding only a permit to teach exclusively in a charter school may teach in a virtual charter school, and no person holding both a license to teach exclusively in a charter school and a license to teach in other public schools may teach, in a virtual charter school, a subject or at a level that is not authorized by the latter license.

2. If a pupil attends a virtual charter school, any person providing educational services to the pupil in the pupil's home, other than instructional staff of the virtual charter school, is not required to hold a license or permit to teach issued by the department.

(c) *Staff duties.* In a virtual charter school, an instructional staff member is responsible for all of the following for each pupil the instructional staff member teaches:

1. Improving learning by planned instruction. 2. Diagnosing learning needs. 3. Prescribing content delivery through class activities. 4. Assessing learning. 5. Reporting outcomes to administrators and parents and guardians. 6. Evaluating the effects of instruction.

(d) *Required days and hours.* A virtual charter school shall do all of the following:

1. Provide educational services to its pupils for at least 150 days each school year.
2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) 2. each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.

3. Ensure that its teachers respond to inquiries from pupils and from parents or guardians of pupils by the end of the first school day following the day on which the inquiry is received.

(e) *Parent advisory council.* The governing body of a virtual charter school shall ensure that a parent advisory council is established for the school and that it meets on a regular basis. The governing body shall determine the selection process for members of the parent advisory council.

(f) *Required notices.* At the beginning of each school term, the governing body of a virtual charter school shall inform the parent or guardian of each pupil attending the virtual charter school, in writing, the name of, and how to contact, each of the following persons:

1. The members of the school board that contracted for the establishment of the virtual charter school and the administrators of that school district.

2. The members of the virtual charter school's governing body, if different than the persons under subd. 1.
 3. The members of the virtual charter school's parent advisory council established under par. (e).
 4. The staff of the virtual charter school.
- (g) *Pupil's failure to participate.* 1. Whenever 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 notify the pupil's parent or guardian.
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 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 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 transfers or assigns a pupil, it shall notify the pupil's parent or guardian and the department.
 - 2m. If the parent or guardian of a pupil attending a virtual charter school notifies the virtual charter school in writing before a school assignment or directive is given that the pupil will not be available to respond to the assignment or directive during a specified period, the school days during that period do not count for purposes of subd. 2. The virtual charter school shall require the pupil to complete any assignment missed during the period. This subdivision applies to no more than 10 school days in a school year.
 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 decision unless the department finds that the decision was arbitrary or unreasonable.

✓ Deleted: (h) *Enrollment limit.* 1. Subject to subds. 3. and 4., beginning in the 2009-10 school year, the total number of pupils attending virtual charter schools through the open enrollment program under s. 118.51 in any school year may not exceed 5,250.¶

2. By the first Friday following the first Monday in April, the governing body of each virtual charter school shall report to the department all of the following:¶

- a. The number of pupils who have initially applied and been accepted to attend the virtual charter school through the open enrollment program under s. 118.51.¶
- b. The number of pupils attending the virtual charter school through the open enrollment program under s. 118.51 in the current school year who are expected to continue attending a virtual charter school through the open enrollment program under s. 118.51 in the succeeding school year.¶
- c. Of the applicants reported under subd. 2. a., those who are siblings of pupils reported under subd. 2. b.¶

2m. If the department determines that the sum of the pupils reported under subd. 2. a. and b. by all virtual charter schools is no more than the limit under subd. 1., the department shall notify the virtual charter schools that all pupils reported under subd. 2. a. and b. may attend virtual charter schools in the succeeding school year. If the department determines that the sum of the pupils reported under subd. 2. a. and b. by all virtual charter schools is more than the limit under subd. 1., the department shall calculate the sum of pupils reported under subd. 2. b. by all virtual charter schools.¶

3. If the department determines under subd. 2m. that the sum of the pupils reported under subd. 2. b. by all virtual charter schools is equal to or greater than the limit allowed under subd. 1., the department shall notify the virtual charter schools that all pupils reported under subd. 2. b. and c. may attend virtual charter schools in the succeeding school year notwithstanding the limit under subd. 1., but that no other pupils reported under subd. 2. a. may do so.¶

4. If the department determines under subd. 2m. that the sum of . . . 11

(9) AUTHORIZER POWERS, DUTIES, AND LIABILITIES. (a) Authorizers are responsible for executing the following essential powers and duties:

1. Evaluating charter applications;
 2. Approving quality charter applications;
 3. Declining to approve weak or inadequate charter applications;
 4. Negotiating and executing sound charter contracts with each approved public charter school;
 5. Monitoring, in accordance with charter contract terms, the performance and legal compliance of public charter schools; and
 6. Determining whether each charter contract merits renewal, nonrenewal, or revocation.
- (b) An authorizing entity may delegate its duties to offices, employees, and contractors.
- (c) Regulation by authorizers shall be limited to these powers.
- (d) An authorizing entity, members of the board of an authorizer in their official capacity, and employees of an authorizer are immune from civil and criminal liability with respect to all activities related to a public charter school they authorize.

why
replaced?

only (2v)?
or sch. hds.
too?

*

(10) EXCLUSIVITY OF AUTHORIZING FUNCTIONS AND RIGHTS. (a) No governmental or other entity, other than those expressly granted chartering authority, may assume any charter authorizing function or duty in any form, unless expressly allowed by law.

not needed

(11) ACCESS TO PUBLIC SCHOOL BUILDINGS. (a) Charter schools shall have access to unused or underutilized school buildings previously built and maintained by school districts.

(b) The department of administration shall create a list of unused and underutilized buildings belonging to school districts and make the list available to charter schools and authorizers.

(c) School districts must make those buildings available to charter schools if they have been unused or underutilized by students for two (2) consecutive school years.

(d) If a charter school wants to use a building on the list, the school district must sign a lease for \$1 per year for the building or an unused portion of an underutilized building, without requiring that maintenance and operations activities be performed by the district.

(e) The charter school may continue to lease the building for \$1 per year as long as it desires.

(f) If a charter school wants to purchase a building on the list, the school district must sell the building at the fair market value for comparable facilities, without any encumbrances.

em. down?

(12) MORAL OBLIGATION. (a) The general assembly hereby finds and declares that its intent in enacting this section is to support public charter schools and public charter school capital construction by helping qualified public charter schools that choose to have the [INSERT NAME OF BONDING AUTHORITY] issue bonds on their behalf obtain more favorable financing terms for the bonds.

(b) If the [INSERT NAME OF BONDING AUTHORITY] has issued bonds on behalf of a public charter school that defaults on its debt service payment obligations, the board of directors of the authority shall submit to the governor a certificate certifying any amount of moneys required to fulfill the school's debt service payment obligations. The governor shall submit a request for appropriations in an amount sufficient to fulfill the school's debt service payment obligations and the general assembly may, but shall not be required to, appropriate moneys for said purpose. If, in its sole discretion, the general assembly appropriates any moneys for said purpose, the aggregate outstanding principal amount of bonds for which moneys may be appropriated for said purpose shall not exceed [INSERT DOLLAR AMOUNT].

*annual fee? or only when apply?
can other authorizers charge?
sch. hd's?*

(13) COMMISSION FUNDING. (a) To cover the costs for overseeing public charter schools, each charter school authorized by the commission shall remit to the commission an oversight fee. The oversight fee shall be drawn from and calculated as a uniform percentage of the per-student operational funding allocated to each public charter school, not to exceed two percent of each public charter school's per-student operational funding in a single school year.

(b) The commission's oversight fee shall not include any costs incurred in delivering services that a public charter school may purchase at its discretion from the commission.

*why needed?
what's it mean: "fee can't include costs"*

The commission shall use its funding provided under this section exclusively for the purpose of fulfilling authorizing obligations. } WHAT?

(14) SERVICES PURCHASED FROM COMMISSION. (a) With the exception of oversight services, no public charter school shall be required to purchase services from the commission as a condition of charter approval or of executing a charter contract, nor may any such condition be implied. } why needed

(b) A public charter school may, at its discretion, choose to purchase services from the commission. In such event, the public charter school and the commission shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the commission and any service fees to be charged to the public charter school. The commission may not charge more than market rates for services provided to a public charter school.

(c) Within 45 days after the end of each fiscal year, the commission shall provide to each public charter school it oversees an itemized accounting of the actual costs of services purchased by the public charter school from the commission. Any difference between the amount initially charged to the public charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in such accounting, or charges to either party, the disputing party is entitled to request a third-party review at its own expense. The third-party's determination shall be final.

(15) COMMISSION REPORTING. (a) The commission shall be required to submit to the general assembly an annual report summarizing: ?

1. The commission's strategic vision for chartering and progress toward achieving that vision;
2. The academic and financial performance of all operating public charter schools overseen by the commission;
3. The status of the commission's public charter school portfolio, identifying all public charter schools in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;
4. The authorizing functions provided by the commission to the public charter schools under its purview, including the commission's operating costs and expenses detailed in annual audited financial statements that conform with Generally Accepted Accounting Principles; and
5. The services purchased from the commission by the public charter schools under its purview, including an itemized accounting of the actual costs of these services.

(16) COMMISSION CHARTER APPLICATION DECISION-MAKING PROCESS. (a) In reviewing and evaluating charter applications, the commission shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. The application review process shall include thorough evaluation of each written charter application, an in-person interview with the applicant group, and an opportunity in a public forum for local residents to learn about and provide input on each application.

(b) In deciding whether to approve charter applications, the commission shall:

1. Grant charters only to applicants that have demonstrated competence in each element of the commission's application and are likely to open and operate a successful public charter school;

2. Base decisions on documented evidence collected through the application review process;

3. Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

(c) No later than [INSERT NUMBER OF DAYS] after the filing of a charter application, the commission shall decide to approve or deny the charter application. The commission shall adopt by resolution all charter approval or denial decisions in an open meeting of its governing board.

(d) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(e) For any charter denial, the commission shall clearly state, for public record, its reasons for denial. A denied applicant may subsequently re-apply to the commission or apply to any other authorizer in the state.

(f) Within [INSERT NUMBER OF DAYS] of taking action to approve or deny a charter application, the commission shall report to the state the action it has taken. The commission shall provide a copy of the report to the charter applicant at the same time that the report is submitted to the state. The report shall include a copy of the commission governing board's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the procedural requirements and application elements.

#?
→ conditional approval?
then how many days
until approval
if denied or
disapproved?

#?
n/w ?

(17) PURPOSES AND LIMITATION OF COMMISSION CHARTER

APPLICATIONS. (a) The purposes of the commission's charter application are to present the proposed public charter school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans, and provide the commission a clear basis for assessing the applicant's plans and capacities. An approved charter application shall not serve as the school's charter contract.

1
e

(18) COMMISSION PERFORMANCE FRAMEWORK. (a) The performance provisions within a commission charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the commission's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

(i) Student academic proficiency;

(ii) Student academic growth;

(iii) Achievement gaps in both proficiency and growth between major student subgroups;

(iv) Attendance;

(v) Recurrent enrollment from year to year; retention?

(vi) Postsecondary readiness (for high schools);

(vii) Financial performance and sustainability; and

- ?

different?
what are they?

10 in K?

(viii) Board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

(b) Annual performance targets shall be set by each public charter school in conjunction with the commission, and shall be designed to help each school meet applicable federal, state, and commission expectations.

(c) The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the commission approves the quality and rigor of such school-proposed indicators.

(d) The performance framework shall require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English Learner status, and gifted status).

(e) For each public charter school it oversees, the commission shall be responsible for collecting, analyzing, and reporting all data from state assessments in accordance with the performance framework.

(f) Multiple schools operating under a single charter contract or overseen by a single governing board shall be required to report their performance as separate, individual schools, and each school shall be held independently accountable for its performance.

} how can 1K work > 1 ch 1 ch?
(see reg'd K provisions in 118.40 (1m))

(19) ONGOING OVERSIGHT BY COMMISSION. (a) The commission shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the charter contract. The commission shall have the authority to conduct oversight activities that enable it to fulfill its responsibilities, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this statute, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools.

(b) The commission shall annually publish and provide, as part of its annual report to the general assembly, a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the charter contract. The commission may require each public charter school it oversees to submit an annual report to assist it in gathering complete information about each school, consistent with the performance framework.

(c) In the event that a public charter school's performance or legal compliance appears unsatisfactory, the commission shall promptly notify the public charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation in which case the revocation timeframes will apply.

(20) COMMISSION RENEWAL, NON-RENEWALS, AND REVOCATIONS. (a) A charter may be renewed for successive five-year terms of duration, although the commission may vary the term based on the performance, demonstrated capacities, and particular circumstances of each public charter school. The commission may grant renewal with specific conditions for necessary improvements to a public charter school.

> term will be on K, not?
> conditional renewal?

(b) No later than [INSERT DATE], the commission shall issue a public charter school performance report and charter renewal application guidance to any public charter school

when?

whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based on the data required by the charter contract, and shall provide notice of any weaknesses or concerns perceived by the commission concerning the public charter school that may jeopardize its position in seeking renewal if not timely rectified. The public charter school shall have [INSERT NUMBER OF DAYS] to respond to the performance report and submit any corrections or clarifications for the report.

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(c) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school to:

1. Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
2. Describe improvements undertaken or planned for the school; and
3. Detail the school's plans for the next charter term.

(d) The renewal application guidance shall include or refer explicitly to the criteria that will guide the commission's renewal decisions, which shall be based on the performance framework set forth in the charter contract.

(e) No later than [INSERT DATE], the governing board of a public charter school seeking renewal shall submit a renewal application to the commission pursuant to the renewal application guidance issued by the commission. The commission shall rule by resolution on the renewal application no later than [INSERT NUMBER OF DAYS] after the filing of the renewal application.

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(f) In making charter renewal decisions, the commission shall:

1. Ground its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;
2. Ensure that data used in making renewal decisions are available to the school and the public; and
3. Provide a public report summarizing the evidence basis for each decision.

(g) The commission must develop revocation and non-renewal processes that:

1. Provide the charter holders with a timely notification of the prospect of revocation or non-renewal and of the reasons for such possible closure;
2. Allow the charter holders a reasonable amount of time in which to prepare a response;
3. Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;
4. Allow the charter holders access to representation by counsel and to call witnesses on their behalf;
5. Permit the recording of such proceedings; and
6. After a reasonable period for deliberation, require a final determination be made and conveyed in writing to the charter holders.

→ evidentiary hrs?
i.e., revoc + nonrenewal
decisions are appealable
& are contested cases.

→ appealable to it?

(h) If the commission revokes or does not renew a charter, the commission shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.

(i) Within [INSERT NUMBER OF DAYS] of taking action to renew, not renew, or revoke a charter, the commission shall report to the state the action taken, and shall provide a copy of the report to the public charter school at the same time that the report is submitted to the state. The report shall include a copy of the commission governing

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board's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this section.

(21) COMMISSION SCHOOL CLOSURE AND DISSOLUTION. (a) Prior to any public charter school closure decision, the commission shall have developed a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the commission. In the event of a public charter school closure for any reason, the commission shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

(b) In the event of a public charter school closure for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school, and then to the state treasury to the credit of the general revenue fund. If the assets of the school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

(22) COMMISSION CHARTER SCHOOL EMPLOYEES. (a) Employees in commission charter schools shall have the same rights and privileges as other public school employees except as otherwise stated herein.

(b) Teachers and other school personnel, as well as governing board trustees, shall be subject to criminal history record checks and fingerprinting requirements applicable to other public schools.

(c) Commission charter school employees cannot be required to be members of any existing collective bargaining agreement between a school district and its employees. A commission charter school may not interfere, however, with laws and other applicable rules protecting the rights of employees to organize and be free from discrimination.

(23) CHARTER SCHOOL INSTRUCTIONAL STAFF LICENSE. (a) Except as specified under par. (b), a charter school instructional staff license may be issued to an individual who holds a valid Wisconsin teaching license issued by the department and shall have the same renewal interval and renewal requirements as the existing license. A licensed issued under this under this section authorizes the holder to perform any instructional duty at any grade level in a charter school established under s 18.40, Stats.

(b) A charter school governing board may request of the department that a license be issued under this subsection. The individual receiving the license shall submit to the department the completed application form and a copy of the charter school governing board's written request that the charter school license be granted to the individual submitting the request.

(c) All individuals teaching in a charter school on (add date law goes into effect) shall follow the procedure outlined in par. (b) but will not be required to pay an additional license fee.

(d) All individuals holding a charter school license issued by the department shall be considered highly qualified instructional staff.

! 7/4/11m
} what's this mean?
} if licensed, already done
} ?
} = current sps rule
} ?
} Just telling feds??
this won't work.

by whom?

(24) CHARTER SCHOOL INSTRUCTIONAL STAFF PERMIT. (a) An individual who does not hold a current license or permit issued by the department to teach in a specific category and developmental level or does not hold a charter school instructional staff license may be employed as a member of the instructional staff in a charter school if he or she obtains a charter school instructional staff permit from the department. The individual receiving the instructional permit shall submit to the department the completed application form and a copy of the charter school governing board's written request that the charter school permit be granted to the individual submitting the request. A 1-year permit under this subsection may be issued if all of the following apply:

1. A charter school governing board requests the permit following a search for a qualified, licensed individual.
2. The individual receiving the permit has a bachelor's degree or has formal proof of mastery in a trade that he or she is assigned to teach.
3. Except as specified under subd. 4., the individual receiving this permit shall complete 6 credits of training or the equivalent coursework toward a teaching certification each school year that he or she is employed in a charter school. These credits shall be part of an approved teacher education program.

4. A permit holder's practice shall be coordinated, directed, and inspected by a person who is licensed by the department to teach in a charter school.

5. An individual who holds a terminal degree in his or her field and has a teaching assignment at an accredited postsecondary institution in Wisconsin or an individual who has formal proof of mastery in a trade and who has a teaching assignment at a Wisconsin Technical College is exempt from the requirement under subd. 3 and subd. 5.

(b) An individual may renew a permit under this paragraph if he or she meets the requirements under par. (a).

= current rule report
in the subject he or she is assigned to teach or in a related field

Field

?

> changes from rule intentional?