

2013 DRAFTING REQUEST

Bill

Received: 11/7/2013 Received By: fknepp
Wanted: As time permits Same as LRB:
For: Dale Kooyenga (608) 266-9180 By/Representing: Rachel Geary
May Contact: Drafter: fknepp
Subject: Education - charter schools Addl. Drafters:
Extra Copies: PG
TKK

Submit via email: YES
Requester's email: Rep.Kooyenga@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Various charter school changes: expanding authorizers, eliminating noninstrumentality charters, and creating magnet schools

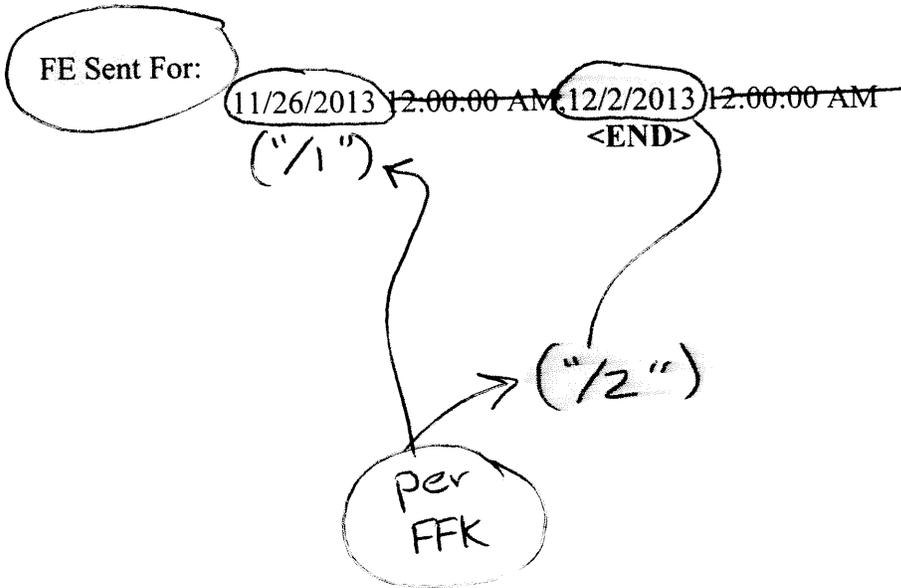
Instructions:

See attached

Drafting History:

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/?	fknepp 11/8/2013			_____			
/P1	fknepp 11/14/2013	kfollett 11/8/2013	jfrantze 11/8/2013	_____	srose 11/8/2013		
/P2	fknepp	scalvin	rschluet	_____	lparisi		State

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	11/26/2013	11/15/2013	11/15/2013	_____	11/15/2013		
/1	fknepp 12/2/2013	scalvin 11/26/2013	jfrantze 11/26/2013	_____	mbarman 11/26/2013	mbarman 11/26/2013	State
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/2		scalvin 12/2/2013	rschluet 12/2/2013	_____	mbarman 12/2/2013		State S&L

FE Sent For:

11/26/2013 12:00:00 AM,12/2/2013 12:00:00 AM

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11/22/13

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FE Sent For:

11/26/2013 ~~12:00:00~~ AM

<END>

(1/1)

1/2 sac

12/2/2013

Per
FFK

Please
 send jacket
 back to the
 Chief Clerk
 -Thanks,
 Fen

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FE Sent For:

/1 sac
11/26/2013

/1 sac
11/24/2013
<END>

JL
11/26

Please Jacket
for Keyyung's
office.

Thanks,
FEM

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/?	fknepp	IP/15f 11/8	IAKF 11/8	 11/8			

FE Sent For:

<END>

Knepp, Fern

From: Geary, Rachel
Sent: Thursday, November 07, 2013 1:42 PM
To: Knepp, Fern
Subject: Amendment to AB 126

Hi Fern

The amendment to AB 126 that you were working on with Jason Childress we would like turned into a separate bill. If we could have that as soon as possible that would be great!

Thank you!

Rachel Geary
Legislative Assisant
State Representative Dale Kooyenga
14th Assembly District
608.266.9181
Rachel.Geary@legis.wi.gov

Knepp, Fern

From: Rep. Kooyenga
Sent: Tuesday, October 22, 2013 11:41 AM
To: Knepp, Fern
Subject: Draft Request

Hi Fern,

Please see the below changes that the Representative would like made to the draft yourself and Bill from our office have been working on regarding the charter schools.

- Remove section 49 entirely
✓ Reason: This is the expedited replication language Senator Darling is fast tracking on its own.
- The initial draft had the “right of first refusal to a district with 80%...” language in section 49. Rep. Kooyenga’s intent was to have this right of first refusal apply to independent charters being authorized by a UW chancellor, tech school board or CESA board (not the replication provided for in Section 49). So the drafter should adjust the draft accordingly.
Reason: To align with Rep. Kooyengas intent.
- Page 7, lines 7-11, section 118.40(1m)(a). This section is not drafted right. It says that a charter school or magnet school will not be considered unless it is signed by 10% of the teachers in district or 50% of teacher at school. This is contrary to what a non-instrumentality is. Why would district/union teachers support creating a school that could have non-union teachers? They just wouldn’t go there... So, either that last sentence starting on line 9 with “The petition shall be signed....” Should be stricken or remove charter school on line 8 so this section only applies to magnet schools.
Reason: To address what the statewide charter association sees as a drafting error.

If you have any questions, please contact our office.

Thank you

Rachel Geary
Legislative Assisant
State Representative Dale Kooyenga
14th Assembly District
608.266.9181
Rachel.Geary@legis.wi.gov

From: JChildress@foley.com [<mailto:JChildress@foley.com>]
Sent: Tuesday, October 22, 2013 10:23 AM
To: Rep. Kooyenga; Neville, William
Subject: Drawing national attention to reform efforts here

Rep. Kooyenga:

As we work through the final drafting issues I wanted to let you know that the National Alliance of Public Charter Schools will be sending out a press release and notice to their members nationally about the release of the bill and praising your leadership. They will also do something on their national blog about you and your leadership on this issue. Don Cooper will be emailing his network of education reforms as well asking them to thank you and offer their support.

NAPCS also wanted to offer you the chance to write a guest blog post on charter schools for their blog in early November. If you are interested I can work with Bill to help you get that accomplished.

Jason M. Childress
Public Affairs Director
Foley & Lardner LLP
P.O. Box 1497
Madison, WI 53701
Office 608.258.4468
Cell 608.217.6109
Jchildress@foley.com

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Knepp, Fern

From: JChildress@foley.com
Sent: Tuesday, October 22, 2013 2:40 PM
To: Knepp, Fern
Subject: Re: Petition process?

The right of first refusal would apply to all new authorizers including 2 year schools.

We envisioned the operator providing written notification to a local school board of their intent to open a school within the district along with the location, proposed grades, board members of the non-profit. Then the district would have 30 days to reply in writing.

I will check with our coalition member who is focused on the petition issue.

Jason Childress
608-217-6109

On Oct 22, 2013, at 1:03 PM, "Knepp, Fern"
<Fern.Knepp@legis.wisconsin.gov<mailto:Fern.Knepp@legis.wisconsin.gov>> wrote:

Jason:

I received permission from Representative Kooyenga to work directly with you on LRBs0155.

I am not sure that I understood your directions related to the petition process. Do you want to eliminate the petition process for magnet and charter schools or just for charter schools? I am assuming that substantively you want to retain current law that requires charter school contracts (and magnet school under the substitute amendment) to contain certain information that is described by reference to what must be included in a petition, i.e. cross references to sub. (1m) (b). Is this assumption correct?

Also, if charter schools may only be established by school board initiative, how does the right of first refusal work? What is the operator required to do to propose the operator's charter school to a school board and obtain a refusal that will allow the operator to go to the independent authorizer? Finally, does the right of first refusal concept apply to a charter authorized by any independent authorizer under the substitute amendment, including deans of 2 year UW-campuses?

Thanks,
Fern
Fern F. Knepp
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 261-6927
fern.knepp@legis.wisconsin.gov<mailto:fern.knepp@legis.wisconsin.gov>

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Knepp, Fern

From: JChildress@foley.com
Sent: Tuesday, October 22, 2013 3:01 PM
To: Knepp, Fern
Subject: More follow up

We do want to remove the petition process for charter schools and have it apply only to magnet schools. The reason why is that under the bill, charter schools will only be non-instrumentalities, therefore we do not want the requirement that union teachers from the district approve non-union teachers. So, in the section 118.40 (2m) (a) relating to what a charter contract must include, the provisions specified in the petition can be stricken.

Regarding the right of first refusal, we would want it to apply only to charter contracts entered into or modified after the effective date of the bill. So proposed charter schools (outside of Milwaukee) would approach their school district as a potential authorizer. Within 30 days the school district needed to make a decision.

If they do not authorize, they can then go to an independent authorizer.

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Knepp, Fern

From: Rep.Kooyenga
Sent: Tuesday, October 22, 2013 12:03 PM
To: Knepp, Fern
Subject: RE: Draft Request

Hi again

I was informed that they would like the petition removed entirely.

for charters

Thanks!

Rachel Geary
Legislative Assisant
State Representative Dale Kooyenga
14th Assembly District
608.266.9181
Rachel.Geary@legis.wi.gov

From: Knepp, Fern
Sent: Tuesday, October 22, 2013 11:49 AM
To: Rep.Kooyenga
Subject: RE: Draft Request

Thanks, Rachel.

From: Rep.Kooyenga
Sent: Tuesday, October 22, 2013 11:41 AM
To: Knepp, Fern
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From: JChildress@foley.com [mailto:JChildress@foley.com]

Sent: Tuesday, October 22, 2013 10:23 AM

To: Rep.Kooyenga; Neville, William

Subject: Drawing national attention to reform efforts here

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In 11-8 (TODAY)

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB0155/1
FFK:sac&kjfrs 3595/PI
stays

2013 BILL

ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 126

see affid ✓

October 21, 2013 - Offered by Representative KOOYENGA.

Reger

1 AN ACT *to repeal* 118.40 (2) (b) 1., 118.40 (2r) (b) 1. c., 118.40 (2r) (b) 3., 118.40
2 (2r) (c) 1., 118.40 (2r) (c) 3., 118.40 (2r) (cm), 118.40 (7) (am) 1., 3. and 4., 118.40
3 (7) (ar) and 118.40 (8) (a) (intro.); *to renumber* 118.40 (8) (a) 1. and 2.; *to*
4 *renumber and amend* 118.40 (1), 118.40 (2r) (bm), 118.40 (2r) (c) 4., 118.40 (4)
5 (a), 118.40 (7) (am) 2. and 118.51 (18); *to consolidate, renumber and amend*
6 118.40 (2) (b) (intro.) and 2.; *to amend* 20.923 (6) (m), 40.02 (55) (intro.), 40.02
7 (55) (a), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c), 115.001 (1),
8 115.415 (3) (a) (intro.), 115.77 (8), 118.40 (title), 118.40 (1m) (a), 118.40 (1m) (b)
9 1., 2., 7., 13. and 15., 118.40 (2) (title), 118.40 (2) (a), 118.40 (2m) (title), 118.40
10 (2m) (a), 118.40 (2m) (am), 118.40 (2m) (b), 118.40 (2r) (title), 118.40 (2r) (b) 1.
11 (intro.), 118.40 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2., 118.40 (2r) (b)
12 2m., 118.40 (2r) (b) 4., 118.40 (2r) (d) (intro.), 118.40 (3) (c) 1., 118.40 (3) (c) 2.,
13 118.40 (3) (e), 118.40 (4) (title), 118.40 (4) (b) (intro.), 118.40 (4) (c), 118.40 (6),

1 118.40 (7) (a), 119.60 (5), 121.02 (1) (a) 2., 230.08 (2)(dm), 230.35 (1s), 895.523
 2 (1) (a) and 895.525 (5); **to repeal and recreate** 20.923 (6) (m) and 111.815 (1);
 3 and **to create** 118.40 (1b), 118.40 (1p), 118.40 (2r) (b) 1. bn., 118.40 (2r) (b) 1.
 4 cm., 118.40 (2r)(bm) 3., 118.40 (2r) (bm) 5., 118.40 (3) (f), 118.40 (4) (ag), 118.40
 5 (4) (d) and 118.40 (7) (c) of the statutes; **relating to:** authorizing independent
 6 charter schools, replicating charter schools, eliminating noninstrumentality
 7 charter schools, ^{establishing} magnet schools, and utilizing an alternative process for
 8 educator effectiveness.

Analysis
Insert →

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

9 **SECTION 1.** 20.923 (6) (m) of the statutes is amended to read:
 10 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
 11 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
 12 (55), the staff of the environmental education board, and instructional staff
 13 employed by the board of regents of the University of Wisconsin System who provide
 14 services for a charter school established by contract under s. 118.40 (2r) (cm), 2011
 15 stats.

16 **SECTION 2.** 20.923 (6) (m) of the statutes, as affected by 2011 Wisconsin Act 32
 17 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

18 20.923 (6) (m) University of Wisconsin System: all positions, including the
 19 chancellor of the University of Wisconsin–Madison, but not including any other
 20 position assigned to the University of Wisconsin–Madison.

21 **SECTION 3.** 40.02 (55) (intro.) of the statutes is amended to read:
 22 40.02 (55) (intro.) “Teacher” means any employee engaged in the exercise of any
 23 educational function for compensation in the public schools, ~~including charter~~

1 ~~schools as defined in s. 115.001 (1) that are instrumentalities of a school district, or~~
2 the university in instructing or controlling pupils or students, or in administering,
3 directing, organizing or supervising any educational activity, but does not include
4 any employee determined to be an auxiliary instructional employee under s. 115.29
5 (3). “Teacher” includes the following:

6 **SECTION 4.** 40.02 (55) (a) of the statutes is amended to read:

7 40.02 (55) (a) Any person employed as a librarian by any school board in a
8 library in any school under its jurisdiction, ~~including a charter school as defined in~~
9 ~~s. 115.001 (1) that is an instrumentality of a school district,~~ whose qualifications as
10 a librarian are at least equal to the minimum librarian qualifications prescribed by
11 the state superintendent of public instruction.

12 **SECTION 5.** 111.81 (7) (f) of the statutes is amended to read:

13 111.81 (7) (f) Instructional staff employed by the board of regents of the
14 University of Wisconsin System who provide services for a charter school established
15 by contract under s. 118.40 (2r) (cm), 2011 stats.

16 **SECTION 6.** 111.815 (1) of the statutes is amended to read:

17 111.815 (1) In the furtherance of this subchapter, the state shall be considered
18 as a single employer and employment relations policies and practices throughout the
19 state service shall be as consistent as practicable. The office shall negotiate and
20 administer collective bargaining agreements. To coordinate the employer position
21 in the negotiation of agreements, the office shall maintain close liaison with the
22 legislature relative to the negotiation of agreements and the fiscal ramifications of
23 those agreements. Except with respect to the collective bargaining unit specified in
24 s. 111.825 (2) (f), the office is responsible for the employer functions of the executive
25 branch under this subchapter, and shall coordinate its collective bargaining

1 activities with operating state agencies on matters of agency concern. The legislative
2 branch shall act upon those portions of tentative agreements negotiated by the office
3 that require legislative action. With respect to the collective bargaining unit
4 specified in s. 111.825 (2) (f), the governing board of the charter school established
5 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
6 functions under this subchapter.

7 **SECTION 7.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and
8 2013 Wisconsin Act (this act), is repealed and recreated to read:

9 111.815 (1) In the furtherance of this subchapter, the state shall be considered
10 as a single employer and employment relations policies and practices throughout the
11 state service shall be as consistent as practicable. The office shall negotiate and
12 administer collective bargaining agreements. To coordinate the employer position
13 in the negotiation of agreements, the office shall maintain close liaison with the
14 legislature relative to the negotiation of agreements and the fiscal ramifications of
15 those agreements. Except with respect to the collective bargaining unit specified in
16 s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the
17 executive branch under this subchapter, and shall coordinate its collective
18 bargaining activities with operating state agencies on matters of agency concern.
19 The legislative branch shall act upon those portions of tentative agreements
20 negotiated by the office that require legislative action. With respect to the collective
21 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
22 of Wisconsin System is responsible for the employer functions under this subchapter.
23 With respect to the collective bargaining units specified in s. 111.825 (1t), the
24 chancellor of the University of Wisconsin–Madison is responsible for the employer
25 functions under this subchapter. With respect to the collective bargaining unit

1 specified in s. 111.825 (1r) (ef), the governing board of the charter school established
2 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
3 functions under this subchapter.

4 **SECTION 8.** 111.825 (2) (f) of the statutes is amended to read:

5 111.825 (2) (f) Instructional staff employed by the board of regents of the
6 University of Wisconsin System who provide services for a charter school established
7 by contract under s. 118.40 (2r) (cm), 2011 stats.

8 **SECTION 9.** 111.92 (1) (c) of the statutes is amended to read:

9 111.92 (1) (c) Any tentative agreement reached between the governing board
10 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
11 acting for the state, and any labor organization representing a collective bargaining
12 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
13 organization and approval by the chancellor of the University of
14 Wisconsin-Parkside, be executed by the parties.

15 **SECTION 10.** 115.001 (1) of the statutes is amended to read:

16 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
17 with a school board under s. 118.40 (2) ^{e ✓} or (2m) or with ~~one of the entities~~ an entity
18 under s. 118.40 (2r) (b), ~~or a school established and operated by one of the entities~~
19 ~~under s. 118.40 (2r) (b).~~

20 **SECTION 11.** 115.415 (3) (a) (intro.) of the statutes is amended to read:

21 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency
22 process aligned with the evaluation system established under sub. (2) for a school
23 district, a charter school under contract with a school board that is not an
24 instrumentality of the school district, or a charter school established under s. 118.40
25 (2r) seeking to utilize an alternative process for the evaluation of teacher and

1 principal practice. The process under this subsection shall be based on the criteria
2 established in the 2011 Interstate Teacher Assessment and Support Consortium and
3 the 2008 Interstate School Leaders Licensure Consortium Educational Leadership
4 Policy Standards, and a school district, a charter school under contract with a school
5 board that is not an instrumentality of the school district, or charter school
6 established under s. 118.40 (2r) that uses the process under this subsection shall
7 evaluate the performance of teachers in the following domains:

8 **SECTION 12.** 115.77 (8) of the statutes is amended to read:

9 115.77 (8) The local educational agency shall serve children with disabilities
10 who are attending a charter or magnet school under contract with the local
11 educational agency under s. 118.40 in the same manner as it serves children with
12 disabilities attending schools of the local educational agency, and shall provide funds
13 under this subchapter to such ~~charter~~ schools on the same basis as it provides funds
14 under this subchapter to schools of the local educational agency, including
15 proportional distribution based on enrollment of children with disabilities, and at
16 the same time as it distributes other federal funds to the agency's other schools.

17 **SECTION 13.** 118.40 (title) of the statutes is amended to read:

18 **118.40 (title) Charter schools and magnet schools.**

19 **SECTION 14.** 118.40 (1) of the statutes is renumbered 118.40 (1d) and amended
20 to read:

21 118.40 (1d) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends
22 to establish a charter school or a magnet school, it shall notify the state
23 superintendent of its intention. Whenever one of the entities under sub. (2r) (b)
24 intends to establish a charter school, it shall notify the state superintendent of its

1 intention by February 1 of the previous school year. A notice under this subsection
2 shall include a description of the proposed school.

3 SECTION 15. 118.40 (1b) of the statutes is created to read:

4 118.40 (1b) DEFINITION. In this section, "magnet school" has the meaning given
5 in 20 USC 7231a.

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6 SECTION 16. 118.40 (1m) (a) of the statutes is amended to read:

7 118.40 (1m) (a) A written petition requesting the school board to establish a
8 ~~charter school or magnet school~~ under this section may be filed with the school
9 district clerk. The petition shall be signed by at least 10% of the teachers employed
10 by the school district or by at least 50% of the teachers employed at one school of the
11 school district.

12 SECTION 17. 118.40 (1m) (b) 1., 2., 7., 13. and 15. of the statutes are amended
13 to read:

14 118.40 (1m) (b) 1. The name of the person who is seeking to establish the
15 charter school.

16 2. The name of the person who if the proposed school is a charter school.
17 information about the governing board that will be in charge of the ~~charter~~ school
18 including the names of the members of the governing board, if known, and how
19 members of the governing board are appointed, and the manner in which
20 administrative services will be provided.

21 7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02 (1) (a) 2., the
22 qualifications that must be met by the individuals to be employed in the school.

23 13. The public school alternatives for pupils who reside in the school district
24 and do not wish to attend or are not admitted to the charter school.

1 15. The effect of the establishment of the charter school on the liability of the
2 school district.

3 **SECTION 18.** 118.40 (1p) of the statutes is created to read:

4 118.40 (1p) MAGNET SCHOOLS; ^{GRANTING OF} PETITION OR SCHOOL BOARD INITIATIVE. (a) 1. Within
5 30 days after receiving a petition under sub. (1m), a school board shall hold a public
6 hearing on the petition. At the hearing, the school board shall consider the level of
7 employee and parental support for the establishment of the magnet school described
8 in the petition and the fiscal impact of the establishment of the magnet school on the
9 school district. After the hearing, the school board may grant the petition. The school
10 board of the school district operating under ch. 119 shall either grant or deny the
11 petition within 30 days after the public hearing. If the school board of the school
12 district operating under ch. 119 denies a petition, the person seeking to establish the
13 magnet school may, within 30 days after the denial, appeal the denial to the
14 department. The department shall issue a decision within 30 days after receiving
15 the appeal. The department's decision is final and not subject to judicial review
16 under ch. 227.

17 2. If a school board grants a petition under this paragraph, the school board
18 shall contract with the person named in the petition under sub. (1m) (b) 1. to operate
19 the school as a magnet school under this section. The contract shall include all of the
20 provisions specified in the petition and may include other provisions agreed to by the
21 parties.

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

1 2. At least 30 days before entering in a contract under this paragraph that
2 would convert a private school to a magnet school, the school board shall hold a public
3 hearing on the contract. At the hearing, the school board shall consider the level of
4 employee and parental support for the establishment of the magnet school and the
5 fiscal impact of the establishment of the magnet school on the school district.

6 (c) A school board may not enter into a contract under this subsection that
7 would result in the conversion of all of the public schools in the school district to
8 magnet schools unless the school board provides alternative public school
9 attendance arrangements for pupils who do not wish to attend or are not admitted
10 to a magnet school.

11 ~~(d) A contract under this subsection may be for any term not exceeding 5 school~~
12 ~~years and may be renewed for one or more terms not exceeding 5 school years.~~

13 (d) (e) A school board that enters into a contract to establish a magnet school under
14 this subsection shall employ all personnel for the magnet school.

15 ~~SECTION 19. 118.40 (2) (title) of the statutes is amended to read:~~

16 ~~118.40 (2) (title) PUBLIC CHARTER SCHOOL; PUBLIC HEARING; AND GRANTING OF~~
17 ~~PETITION.~~

18 ~~SECTION 20. 118.40 (2) (a) of the statutes is amended to read:~~

19 ~~118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the~~
20 ~~school board shall hold a public hearing on the petition. At the hearing, the school~~
21 ~~board shall consider the level of employee and parental support for the establishment~~
22 ~~of the charter school described in the petition and the fiscal impact of the~~
23 ~~establishment of the charter school on the school district. After the hearing, the~~
24 ~~school board may grant the petition.~~

1 **SECTION 21.** 118.40 (2) (b) (intro.) and 2. of the statutes are consolidated,
2 renumbered 118.40 (2) (b) and amended to read:

3 118.40 (2) (b) A school board may grant a petition that would result in the
4 conversion of all of the public schools in the school district to charter schools if all of
5 ~~the following apply: 2. The~~ the school board provides alternative public school
6 attendance arrangements for pupils who do not wish to attend or are not admitted
7 to a charter school.

8 **SECTION 22.** 118.40 (2) (b) 1. of the statutes is repealed.

9 **SECTION 23.** 118.40 (2m) (title) of the statutes is amended to read:

10 118.40 (2m) (title) SCHOOL CHARTER SCHOOLS; SCHOOL BOARD INITIATIVE.

11 **SECTION 24.** 118.40 (2m) (a) of the statutes is amended to read:

12 118.40 (2m) (a) A school board may on its own initiative contract with a person
13 to operate a school as a charter school. ~~The contract shall include all of the provisions~~
14 ~~specified under sub. (1m) (b)~~ the name of the person who will employ the personnel
15 of the charter school, ~~and may include other provisions agreed to by the parties.~~

16 **SECTION 25.** 118.40 (2m) (am) of the statutes is amended to read:

17 118.40 (2m) (am) At least 30 days before entering in a contract under this
18 subsection ~~that would convert a private school to a charter school or that would to~~
19 establish a charter school ~~that is not an instrumentality of the school district, the~~
20 school board shall hold a public hearing on the contract. At the hearing, the school
21 board shall consider the level of employee and parental support for the establishment
22 of the charter school ~~and the fiscal impact of the establishment of the charter school~~
23 ~~on the school district.~~

24 **SECTION 26.** 118.40 (2m) (b) of the statutes is amended to read:

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1 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that
2 would result in the conversion of all of the public schools in the school district to
3 charter schools ~~unless the school board complies with sub. (2) (b) 2. if the school board~~
4 provides alternative public school attendance arrangements for pupils who do not
5 wish to attend or are not admitted to a charter school.

6 **SECTION 27.** 118.40 (2r) (title) of the statutes is amended to read:

7 118.40 (2r) (title) ~~OTHER~~ CHARTER SCHOOLS; OTHER INITIATIVES.

8 **SECTION 28.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

9 118.40 (2r) (b) 1. (intro.) All Any ^{Subject to par. (bg), any} of the following entities may establish by
10 ~~charter and operate a charter school or, on behalf of their respective entities, may~~
11 ~~initiate a~~ contract with ~~an individual or group~~ a person to operate ~~a school as a~~
12 charter school:

13 **SECTION 29.** 118.40 (2r) (b) 1. b. of the statutes is amended to read:

14 118.40 (2r) (b) 1. b. The chancellor of ~~the~~ an institution within the University
15 of ~~Wisconsin-Milwaukee~~ Wisconsin System except for the chancellor of the
16 University of Wisconsin Colleges.

17 **SECTION 30.** 118.40 (2r) (b) 1. bn. of the statutes is created to read:

18 118.40 (2r) (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college
19 campus within the University of Wisconsin System.

20 **SECTION 31.** 118.40 (2r) (b) 1. c. of the statutes is repealed.

21 **SECTION 32.** 118.40 (2r) (b) 1. cm. of the statutes is created to read:

22 118.40 (2r) (b) 1. cm. The board of control of a cooperative educational service
23 agency.

24 **SECTION 33.** 118.40 (2r) (b) 1. d. of the statutes is amended to read:

25 118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

SECTION 34. 118.40 (2r) (b) 2. of the statutes is amended to read:

118.40 (2r) (b) 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.~~

SECTION 35. 118.40 (2r) (b) 2m. of the statutes is amended to read:

118.40 (2r) (b) 2m. a. A charter or contract may include grounds for expelling a pupil from the charter school.

b. If the charter or contract includes grounds for expelling a pupil from the charter school as permitted under subd. 2m. a., the charter or contract shall include the procedures to be followed by the charter school prior to expelling a pupil.

SECTION 36. 118.40 (2r) (b) 3. of the statutes is repealed.

SECTION 37. 118.40 (2r) (b) 4. of the statutes is amended to read:

118.40 (2r) (b) 4. No chartering or contracting entity under subd. 1. may establish or enter into a contract for the establishment of a virtual charter school.

SECTION 38. 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

118.40 (2r) (bm) 1. The common council of the city of Milwaukee and the Milwaukee area technical college district board may establish or enter into a contract

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1 for the establishment of a charter school located only in the school district operating
2 under ch. 119.

3 2. The chancellor of an institution within the University of
4 ~~Wisconsin-Milwaukee~~ Wisconsin System may ~~establish or enter into a contract for~~
5 the establishment of a charter school located only in ~~Milwaukee County~~ the county
6 in which the institution is located or in an adjacent county. ~~The chancellor of the~~
7 ~~University of Wisconsin-Parkside~~

8 4. A technical college district board may ~~only establish or enter into a contract~~
9 for the establishment of a charter school located ~~in a unified school district that is~~
10 located only in the county ~~in which the University of Wisconsin-Parkside is situated~~
11 technical college district or in an a county adjacent county to the district.

12 **SECTION 39.** 118.40 (2r) (bm) 3. of the statutes is created to read:

13 118.40 (2r) (bm) 3. The dean of a college campus within the University of
14 Wisconsin System may contract for the establishment of a charter school that is
15 located only in the county in which the college campus is located or in an adjacent
16 county.

17 **SECTION 40.** 118.40 (2r) (bm) 5. of the statutes is created to read:

18 118.40 (2r) (bm) 5. The board of control of a cooperative educational service
19 agency may contract for the establishment of a charter school that is located only
20 within the boundaries of the agency.

21 **SECTION 41.** 118.40 (2r) (c) 1. of the statutes, as affected by 2013 Wisconsin Act
22 20, is repealed.

23 **SECTION 42.** 118.40 (2r) (c) 3. of the statutes is repealed.

24 **SECTION 43.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act
25 20, is renumbered 118.40 (2r) (c) and amended to read:

1 118.40 (2r) (c) A pupil ~~who resides in Milwaukee County or in an adjacent~~
2 ~~county~~ may attend any charter school established under this subsection in
3 ~~Milwaukee County or in an adjacent county.~~

4 **SECTION 44.** 118.40 (2r) (cm) of the statutes is repealed.

5 **SECTION 45.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

6 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
7 do all of the following:

8 **SECTION 46.** 118.40 (3) (c) 1. of the statutes is amended to read:

9 118.40 (3) (c) 1. A school board may not enter into a contract for the
10 establishment of a charter school or magnet school located outside the school district,
11 except as follows:

12 a. If 2 or more school boards enter into an agreement under s. 66.0301 to
13 establish a charter school or magnet school, the ~~charter~~ school shall be located within
14 one of the school districts.

15 b. If one or more school boards enter into an agreement with the board of control
16 of a cooperative educational service agency to establish a charter school or magnet
17 school, the ~~charter~~ school shall be located within the boundaries of the cooperative
18 educational service agency.

19 c. If a school board enters into an agreement with a federally recognized
20 American Indian tribe or band in this state to establish a charter school or magnet
21 school, the ~~charter~~ school shall be located within the school district or within the
22 boundaries of the tribe's or band's reservation.

23 **SECTION 47.** 118.40 (3) (c) 2. of the statutes is amended to read:

24 118.40 (3) (c) 2. A school board may not enter into a contract that would result
25 in the conversion of a private, sectarian school to a charter school or a magnet school.

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1 **SECTION 48.** 118.40 (3) (e) of the statutes is amended to read:

2 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
3 charter school under this section, a school board or entity specified under sub. (2r)
4 (b) shall consider the principles and standards for quality charter schools established
5 by the National Association of Charter School Authorizers.

6 **SECTION 49.** 118.40 (3) (f) of the statutes is created to read:

7 118.40 (3) (f) 1. In this paragraph, a person has a proven track record of success
8 if, during the 2 immediately preceding school years, a person operated a charter
9 school in which the percentage of pupils attending the charter school who received
10 a score of advanced or proficient on the state assessments for math and reading
11 under ss. 118.30 and 121.02 (1) (r) in all tested grades is at least 10 percentage points
12 greater than the percentage of pupils attending public schools in the school district
13 where the charter school is located who received the same scores on the same
14 assessments in the same grades.

15 2. Subject to subds. 4. and 5., a school board or entity under sub. (2r) (b) that
16 has contracted with a person to operate a charter school shall, upon receiving a letter
17 of intent under subd. 3. from the person, amend the existing contract or enter into
18 a new contract with the person to authorize the person to operate one or more
19 additional charter schools if the person has a proven track record of success operating
20 a charter school under a contract with the school board or entity.

21 3. To operate an additional charter school under subd. 2., a person must submit
22 to a school board or entity under sub. (2r) (b) a letter of intent that includes all of the
23 following:

- 24 a. The date on which instruction will begin at each additional charter school.
25 b. The general location of each additional charter school.

1 c. A description of any potential facility that may be used by each additional
2 charter school, including the approximate number of pupils that each facility may
3 safely accommodate.

4 d. Evidence demonstrating that the person has a proven track record of success.

5 4. A school board or entity under sub. (2r) (b) shall authorize a person to operate
6 no more than 2 additional charter schools per school year under this paragraph,
7 unless the parties agree to more than 2.

8 5. A school board of a school district containing at least 80 percent of the public
9 schools in the state that received the highest level of performance on the most recent
10 school accountability report under s. 115.385 may refuse to amend an existing
11 contract or enter into a new contract to authorize one or more additional charter
12 schools under this paragraph if the school board notifies the person who submitted
13 the letter of intent under subd. 3. of the refusal no later than 30 days after the letter
14 of intent is submitted to the school board.

15 6. An additional charter school authorized under this paragraph is not a
16 satellite or subsidiary campus of the charter school for which the operator
17 demonstrated a proven track record of success under subd. 2. and is considered an
18 individual school for funding purposes.

19 **SECTION 50.** 118.40 (4) (title) of the statutes is amended to read:

20 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND
21 RESTRICTIONS.

22 **SECTION 51.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and
23 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

24 118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of
25 the following:

1 **SECTION 52.** 118.40 (4) (ag) of the statutes is created to read:

2 118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a
3 governing board that is a party to the contract with the authorizing entity.

4 **SECTION 53.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

5 118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not
6 do any of the following:

7 **SECTION 54.** 118.40 (4) (c) of the statutes is amended to read:

8 118.40 (4) (c) *Single-sex schools and courses.* A school board may enter into a
9 contract for, and an entity under sub. (2r) may ~~establish or enter into a~~ contract for,
10 the establishment of a charter school that enrolls only one sex or that provides one
11 or more courses that enroll only one sex if the school board or entity under sub. (2r)
12 makes available to the opposite sex, under the same policies and criteria of
13 admission, schools or courses that are comparable to each such school or course.

14 **SECTION 55.** 118.40 (4) (d) of the statutes is created to read:

15 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school
16 governing board has all the powers necessary to carry out the terms of its contract,
17 including the following:

- 18 1. To receive and disburse funds for school purposes.
- 19 2. To incur debt.
- 20 3. To enter into contracts and leases.
- 21 4. To pledge, assign, or encumber its assets to be used as collateral for loans or
- 22 extensions of credit.
- 23 5. To acquire real property for its use.
- 24 6. To sue and be sued in its own name.

25 **SECTION 56.** 118.40 (6) of the statutes is amended to read:

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1 118.40 (6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter
2 school or a magnet school without his or her approval, if the pupil is an adult, or the
3 approval of his or her parents or legal guardian, if the pupil is a minor.

4 **SECTION 57.** 118.40 (7) (a) of the statutes is amended to read:

5 118.40 (7) (a) ~~Except as provided in par. (am), the school board of the school~~
6 ~~district in which a charter school is located shall determine whether or not the A~~
7 charter school established under sub. (2) or (2m) is not an instrumentality of the
8 school district. ~~If the school board determines that the charter school is an~~
9 ~~instrumentality of the school district, the school board shall employ all personnel for~~
10 ~~the charter school. If the school board determines that the charter school is not an~~
11 ~~instrumentality of the school district, and the school board may not employ any~~
12 ~~personnel for the charter school.~~

13 **SECTION 58.** 118.40 (7) (am) 1., 3. and 4. of the statutes are repealed.

14 **SECTION 59.** 118.40 (7) (am) 2. of the statutes is renumbered 118.40 (7) (am) and
15 amended to read:

16 118.40 (7) (am) A charter school established under sub. (2r) ~~or a private school~~
17 ~~located in the school district operating under ch. 119 that is converted to a charter~~
18 ~~school~~ is not an instrumentality of any school district and no school board may
19 employ any personnel for the charter school. If the chancellor of ~~the~~ an institution
20 or the dean of a college campus within the University of Wisconsin-Parkside
21 Wisconsin System contracts for the establishment of a charter school under sub. (2r),
22 the board of regents of the University of Wisconsin System may employ instructional
23 staff for the charter school. If a technical college district board contracts for the
24 establishment of a charter school under sub. (2r), the technical college district board
25 may employ instructional staff for the charter school. If the board of control of a

1 cooperative educational service agency contracts for the establishment of a charter
2 school under sub. (2r), the board of control may employ instructional staff for the
3 charter school.

4 **SECTION 60.** 118.40 (7) (ar) of the statutes, as affected by 2013 Wisconsin Act
5 20, is repealed.

6 **SECTION 61.** 118.40 (7) (c) of the statutes is created to read:

7 118.40 (7) (c) Chapters 115 to 121, other than this section, do not apply to
8 magnet schools unless one of the following applies:

9 1. The provision explicitly applies to magnet schools.

10 2. The provision explicitly applies to charter schools unless the provision
11 applies only to a charter school ^{schools established} under sub. (2r).

12 **SECTION 62.** 118.40 (8) (a) (intro.) of the statutes is repealed.

13 **SECTION 63.** 118.40 (8) (a) 1. and 2. of the statutes are renumbered 118.51 (18)
14 (a) and (b).

15 **SECTION 64.** 118.51 (18) of the statutes is renumbered 118.51 (18) (intro.) and
16 amended to read:

17 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. (intro.) For purposes of this
18 section, a virtual charter school is located in the following school district specified in
19 s. 118.40 (8) (a):

20 **SECTION 65.** 119.60 (5) of the statutes is amended to read:

21 119.60 (5) For any lease of city-owned property used for school purposes in
22 effect on January 1, 2011, between the board and a charter school that is not an
23 instrumentality of the school district under s. 118.40 (7), the common council shall
24 be made party to the lease and may negotiate with the charter school to modify the
25 terms of the lease when the lease is modified, extended, or renewed if the common

1 council adopts a resolution to do so. If a lease is modified, extended, or renewed as
2 provided in this subsection, the net proceeds of that lease shall be deposited in the
3 school operations fund under s. 119.46.

4 **SECTION 66.** 121.02 (1) (a) 2. of the statutes, as affected by 2013 Wisconsin Act
5 20, is amended to read:

6 121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional
7 staff of charter schools located in the school district hold a license or permit to teach
8 issued by the department. For purposes of this subdivision, a virtual charter school
9 is located in the school district specified in s. ~~118.40 (8) (a)~~ 118.51 (18) and a charter
10 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified
11 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining
12 “instructional staff” for purposes of this subdivision.

13 **SECTION 67.** 230.08 (2) (dm) of the statutes is amended to read:

14 230.08 (2) (dm) Instructional staff employed by the board of regents of the
15 University of Wisconsin System who provide services for a charter school established
16 by contract under s. 118.40 (2r) (cm), 2011 stats.

17 **SECTION 68.** 230.35 (1s) of the statutes is amended to read:

18 230.35 (1s) Annual leave of absence with pay for instructional staff employed
19 by the board of regents of the University of Wisconsin System who provide services
20 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
21 shall be determined by the governing board of the charter school established by
22 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the
23 University of Wisconsin–Parkside.

24 **SECTION 69.** 895.523 (1) (a) of the statutes is amended to read:

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LRB-3595/P1
FFK:.....

ANALYSIS INSERT

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

INS 7-5

1 **SECTION 1.** 118.40 (1m) (title) of the statutes is repealed and recreated to read:
2 118.40 (1m) (title) MAGNET SCHOOLS; PETITION.

END INS 7-5

INS 10-8

3 **SECTION 2.** 118.40 (2) of the statutes is repealed.

INS 10-8

INS 12-20

4 **SECTION 3.** 118.40 (2r) (bg) of the statutes is created to read:
5 118.40 (2r) (bg) 1. If a person wishes to contract with an entity under par. (b)
6 1. to operate a charter school in a school district in which at least 80 percent of the
7 number of public schools in this state that received the highest level of performance
8 on the most recent school accountability report under s. 115.385 are located, the
9 person shall first provide notice to the school board, in writing, of the person's intent
10 to operate a charter school within the school district. The person shall include in the
11 written notice the proposed location of the charter school, the proposed grades that
12 will be taught at the proposed charter school, and the members of the governing
13 board that will govern the proposed charter school.
14 2. No later than 30 days after receiving a notice under subd. 1., a school board
15 shall notify the person who submitted the notice, in writing, whether the school
16 board will contract with the person to operate the proposed charter school. If the

1 school board will not contract with the person to operate the charter school, the
 2 person may contract with an entity under par. (b) 1. to operate the proposed charter
 3 school. If the school board will contract with the person to operate the proposed
 4 charter school but fails to enter into such a contract within 90 days of providing notice
 5 under this subdivision, the person may contract with an entity under par. (b) 1.

****NOTE: Please note that this subdivision addresses the situation in which a school board agrees to authorize a charter school but the school board and the potential operator are unable to negotiate a contract. The 90 days is just a place holder. Please let me know if this provision is consistent with your intent and if so, whether 90 days is a reasonable time period to negotiate a contract.

END INS 12-20

INS 14-7

6 SECTION 4. 118.40 (3) (title) of the statutes is repealed and recreated to read:

7 118.40 (3) (title) CHARTER SCHOOLS AND MAGNET SCHOOLS; CONTRACT.

8 SECTION 5. 118.40 (3) (a) of the statutes is repealed.

9 SECTION 6. 118.40 (3) (b) of the statutes is amended to read:

10 118.40 (3) (b) A contract under par. (a) or under ~~sub.~~ ^{sub.} (1p), (2m), or (2r) may
 11 be for any term not exceeding 5 school years and may be renewed for one or more
 12 terms not exceeding 5 school years. The contract shall specify the amount to be paid
 13 to the charter school during each school year of the contract.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

END INS 14-7

INS 17-24

14 SECTION 7. 118.40 (5) of the statutes is amended to read:

15 118.40 (5) ^{Plain} CHARTER ~~CHARTER~~ SCHOOLS AND MAGNET SCHOOLS; REVOCATION. A
 16 ~~charter~~ contract under sub. (1p), (2m), or (2r) may be revoked by the school board

↑
 CPS:
~~didn't say yet~~

1 or the entity under sub. (2r) (b) that contracted with the charter or magnet school if
2 the school board or, if applicable, the entity under sub. (2r) (b) finds that any of the
3 following occurred:

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

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

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

10 (d) The charter school or magnet school violated this section.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

****NOTE: Please let me know if including magnet schools in this subsection is not consistent with your intent.

END INS 17-24

Knepp, Fern

From: JChildress@foley.com
Sent: Tuesday, November 12, 2013 2:39 PM
To: Knepp, Fern
Subject: Re: LRB 3595 P1

That is correct. SSA2.

I like that language on the first concern. 30 days seems reasonable.

Jason Childress

> On Nov 12, 2013, at 12:16 PM, "Knepp, Fern" <Fern.Knepp@legis.wisconsin.gov> wrote:

>

> Thanks, Jason.

>

> With regard to your first concern, that is the situation the draft was trying to address with the final sentence of subd. 2. on p. 12 lines 12-14. Would something like "If the school board notifies the person that the school board will contract with the person to operate the proposed charter school but the parties are unable to negotiate a contract that is acceptable to both parties, the person may contract with an entity under par. (b) 1." alleviate your concerns? Also, do you want to put a time limit on the negotiations? Without a time limit, the school board could essentially prevent the person from applying to a (2r) entity by continuing to negotiate the contract. In other words, at what point will the applicant know that the parties are not going to come to an agreement and the applicant is free to apply to a (2r) entity?

>

> As for the replication language, I am assuming you want the language from SSA2 to SB76, the most recent version of the replication provision? Is this correct?

>

> Thanks,

> Fern

>

> -----Original Message-----

> From: JChildress@foley.com [<mailto:JChildress@foley.com>]

> Sent: Tuesday, November 12, 2013 11:41 AM

> To: Knepp, Fern

> Cc: Neville, William

> Subject: LRB 3595 P1

>

> We have reviewed the draft legislation.

>

> 1) On page 11-12, the language giving some school districts the right of first refusal of a charter: if the district chooses to charter the school, I am concerned about us getting forced into an instrumentality charter and the restrictions that come with it. Can we add something in about if the contract is not acceptable to both parties, the applicant can apply for a 2r charter? We are a little worried about whether those districts can offer the applicant a bad deal (i.e., insist they are an instrumentality, offer a contract with really slanted terms, etc) and there is no recourse on it.

>

> 2) Also we would like to include the expedited replication language from SB76. We had originally asked for it to be NOT included but it now appears that the Senate bill on replication only is not moving so it makes sense to include here.

>

>

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