



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1305/P4  
KRP:cjs&kjf

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

---

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

***1. Authorization of new independent charter schools***

This bill provides that, beginning on the effective date of the bill and ending on July 1, 2023, an authorizer of an independent charter school generally may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

---

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

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

118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the following entities may contract with a person to operate a charter school:

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

118.40 (2r) (bm) The Except as provided under par. (i), the county executive of Waukesha County may contract for the establishment of a charter school located only in Waukesha County.

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

118.40 (2r) (i) 1. Except as provided in subds. 2. and 3., beginning on the effective date of this subdivision ... [LRB inserts date], and ending on July 1, 2023, an entity under par. (b) 1. may not enter into a contract with a person to operate a charter school that was not operating on the effective date of this subdivision ... [LRB inserts date].

2. An entity under par. (b) 1. may contract with a person to operate a charter school that begins operating after the effective date of this subdivision ... [LRB inserts date], if the person opens the charter school under a contract provision described under par. (b) 2. c.

3. An entity under par. (b) 1. may contract with a person to operate a charter school that begins operating after the effective date of this subdivision ... [LRB inserts date], if the entity notified the state superintendent under sub. (1) by February 1, 2019, of the entity's intention to establish the charter school.

**SECTION 4.** 118.40 (2x) (b) 1. of the statutes is amended to read:

118.40 (2x) (b) 1. The Except as provided under par. (g), the director may contract with a person to operate a charter school.

**SECTION 5.** 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except as provided under par. (g), enter into a contract to establish, as a pilot project, one recovery charter school, to be located in this state and that operates only high school grades, if the term of the contract is limited to 4 consecutive school years and the contract requires the charter school operator to do all of the following:

**SECTION 6.** 118.40 (2x) (g) of the statutes is created to read:

118.40 (2x) (g) 1. Except as provided in subd. 2., beginning on the effective date of this subdivision .... [LRB inserts date], and ending on July 1, 2023, the director may not enter into a contract with a person to operate a charter school that was not operating on the effective date of this subdivision .... [LRB inserts date].

2. The director may contract with a person to operate a charter school that begins operating after the effective date of this subdivision .... [LRB inserts date], if the director notified the state superintendent under sub. (1) by February 1, 2019, of the director's intention to establish the charter school.

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

118.40 (3) (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school board, an entity under sub. (2r), or the director under sub. (2x) may 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, entity under sub. (2r), or the director under sub. (2x) 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.

(END)