



1995 SENATE BILL 61

February 14, 1995 - Introduced by Senators WINEKE and MOEN, cosponsored by Representatives R. POTTER, ROBSON, RYBA, BELL, GROBSCHMIDT, BALDWIN, MORRIS-TATUM and BOYLE. Referred to Committee on Education and Financial Institutions.

1 **AN ACT to amend** 118.40 (2) (a) and 118.40 (2m) (a); and **to create** 118.40 (2) (am)
2 and 118.40 (3g) of the statutes; **relating to:** public hearings and referenda on
3 the establishment of charter schools.

Analysis by the Legislative Reference Bureau

Current law authorizes a school board on its own initiative, or upon receipt of a petition 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, to contract for the operation of a school as a charter school. A charter school is exempt from most laws governing public schools. A school board may not establish a charter school without the approval of the state superintendent of public instruction, who must approve the first 10 requests for approval and must ensure that charter schools are established in no more than 10 school districts. If a school board receives approval from the state superintendent, the school board must hold a public hearing on the issue of whether to establish a charter school within 30 days after receiving a petition.

This bill requires a school board that wishes to establish a charter school to hold a public hearing in all cases. The school board must give at least one week's notice of the hearing. After the hearing, the school board may adopt a resolution to establish a charter school and may direct that a referendum be held on the resolution. If the school board does not call for a referendum, a petition submitted within 30 days after the adoption of the resolution and signed by at least 7,500 electors or 20% of the electors, whichever is less, may call for a referendum on the resolution. If a referendum is held, a charter school may not be established unless a majority of the electors voting on the question approve.

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

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

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

2 118.40 (2) (a) If a school board has received approval under sub. (1), within 30
3 days after receiving a petition under sub. (1m) the school board shall hold a public
4 hearing on the petition. At least one week before the public hearing, the school board
5 shall publish a class 1 notice, under ch. 985, of the public hearing. At the hearing,
6 the school board shall consider the level of employe and parental support for the
7 establishment of the charter school described in the petition. After the hearing, the
8 school board may ~~grant the petition~~ adopt a resolution to establish a charter school.

9 **SECTION 2.** 118.40 (2) (am) of the statutes is created to read:

10 118.40 (2) (am) 1. If the school board adopts a resolution under par. (a), the
11 school board may call for a referendum for the purposes of submitting the resolution
12 to the electors of the school district for approval or rejection under sub. (3g).

13 2. If the school board adopts a resolution under par. (a) and, within 30 days after
14 the adoption of the resolution, a petition is filed with the school district clerk for a
15 referendum on the resolution signed by at least 7,500 electors of the school district
16 or 20% of the school district electors, whichever is less, the school board shall call for
17 a referendum for the purpose of submitting the resolution to the electors of the school
18 district for approval or rejection under sub. (3g).

19 3. If the school board adopts a resolution under par. (a) and neither subd. 1. or
20 2. apply, or the resolution under sub. (3g) is approved by a majority of the school
21 district electors voting at a referendum under sub. (3g), the school board may grant

1 the petition under par. (a) or may on its own initiative contract with an individual
2 or group to operate a school as a charter school under sub. (2m).

3 **SECTION 3.** 118.40 (2m) (a) of the statutes is amended to read:

4 118.40 **(2m)** (a) If a school board has received approval under sub. (1), the
5 school board may ~~on its own initiative contract with an individual or group to operate~~
6 ~~a school as a charter school.~~ The adopt a resolution to establish a charter school.
7 If the school board adopts a resolution, sub. (2) (am) applies. If the school board
8 contracts with an individual or group to operate a charter school, the contract shall
9 include all of the provisions specified under sub. (1m) (b) and may include other
10 provisions agreed to by the parties.

11 **SECTION 4.** 118.40 (3g) of the statutes is created to read:

12 118.40 **(3g)** REFERENDUM. (a) If a referendum is required under sub. (2) (am)
13 or (2m) (a), it shall be held as provided in this subsection. The school board shall call
14 a special referendum for the purpose of submitting the resolution to the electors of
15 the school district. In lieu of a special referendum, the school board may specify that
16 the referendum be held at the next succeeding spring primary or election or
17 September primary or general election to be held not earlier than 45 days after the
18 adoption of the resolution of the school board.

19 (b) The school district clerk shall publish type A, B, C, D and E notices of the
20 referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to
21 comply with the notice requirements of this paragraph.

22 (c) The referendum shall be held in accordance with chs. 5 to 12. The school
23 district clerk shall provide the election officials with all necessary election supplies.
24 The form of the ballot shall correspond substantially with the standard form for
25 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

1 (a). The question shall be submitted as follows: "Shall the (name of school district)
2 establish a charter school?"

3 (d) The school district clerk shall promptly certify the results of the referendum
4 to the state superintendent. A school board may establish a charter school if the
5 resolution is approved by a majority of those voting on the question.

6 **SECTION 5. Initial applicability.**

7 (1) The treatment of section 118.40 (2) (a) and (am) and (2m) (a) of the statutes
8 first applies to contracts for the establishment of a charter school that are entered
9 into on the effective date of this subsection.

10 (END)