



2007 ASSEMBLY BILL 697

January 14, 2008 - Introduced by Representatives DAVIS, LEMAHIEU, PRIDEMORE, GOTTLIEB, GUNDERSON, HONADEL, KRAMER, LOTHIAN, MOULTON, MURSAU, MUSSER, NASS, NYGREN, A. OTT, PETERSEN, ROTH, STRACHOTA, VOS, VUKMIR, M. WILLIAMS, ZIPPERER and MURTHA, cosponsored by Senators OLSEN, LEIBHAM, DARLING, ROESSLER and KEDZIE. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 118.40 (3) (c); *to amend* 118.19 (1), 118.40
2 (1m) (b) 7., 118.40 (2r) (bm), 118.40 (2r) (c) 1., 118.40 (2r) (d) 1., 118.40 (2r) (e)
3 2., 118.51 (2) and 121.02 (1) (a) 2.; and *to create* 115.001 (16), 118.40 (2r) (c) 4.,
4 118.40 (8), 118.51 (18) and 121.83 (1m) of the statutes; **relating to:** virtual
5 charter schools.

Analysis by the Legislative Reference Bureau

Under current law, any person who teaches in a public school, including a charter school, must hold a teaching license or permit issued by the Department of Public Instruction (DPI). This bill specifies that if a pupil attends a virtual charter school, a person who provides educational services to the pupil in the pupil's home, other than staff of the virtual charter school, is not required to hold a teaching license or permit. The bill defines a virtual charter school as a charter school in which instruction is provided primarily through means of the Internet and the pupils and teachers are geographically remote.

Current law provides that a charter school established by a school board must be located in the school district; an independent charter school established by the city of Milwaukee, the University of Wisconsin-Milwaukee, or the Milwaukee Area Technical College must be located in the city of Milwaukee; and an independent charter school established by the University of Wisconsin-Parkside must be 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. This bill provides that these restrictions do not apply to virtual charter schools.

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In general, current law provides that only pupils who reside in the school district in which an independent charter school is located may attend the charter school. This bill exempts virtual charter schools from this restriction.

Current law provides that if the University of Wisconsin-Parkside establishes a charter school, the state must pay a sum to the unified school district in which it is located to reimburse the school district for the reduction in state aid resulting from the loss of pupils to the charter school. This bill provides that this payment does not apply if the charter school established is a virtual charter school.

The bill provides that if a pupil who is not a resident of this state attends a virtual charter school established by or under contract with a school board in this state, the school board must charge the pupil tuition in an amount equal to at least the amount used for the per pupil state aid adjustment under the Open Enrollment Program.

Finally, the bill clarifies that a pupil may attend a charter school in a nonresident school district through the Open Enrollment Program.

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.** 115.001 (16) of the statutes is created to read:

2 115.001 (16) VIRTUAL CHARTER SCHOOL. "Virtual charter school" means a charter
3 school in which instruction is provided primarily through means of the Internet, and
4 the pupils enrolled in and instructional staff employed by the charter school are
5 geographically remote from each other.

6 **SECTION 2.** 118.19 (1) of the statutes is amended to read:

7 118.19 (1) Any Except as provided in s. 118.40 (8) (b), any person seeking to
8 teach in a public school, including a charter school, or in a school or institution
9 operated by a county or the state shall first procure a license or permit from the
10 department.

11 **SECTION 3.** 118.40 (1m) (b) 7. of the statutes is amended to read:

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1 118.40 **(1m)** (b) 7. Subject to ~~sub.~~ subs. (7) (a) and (am) and (8) (b) and ss. 118.19
2 (1) and 121.02 (1) (a) 2., the qualifications that must be met by the individuals to be
3 employed in the school.

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

5 118.40 **(2r)** (bm) The common council of the city of Milwaukee, the chancellor
6 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
7 district board may only establish or enter into a contract for the establishment of a
8 charter school located in the school district operating under ch. 119. The chancellor
9 of the University of Wisconsin–Parkside may only establish or enter into a contract
10 for the establishment of a charter school located in a unified school district that is
11 located in the county in which the University of Wisconsin–Parkside is situated or
12 in an adjacent county. This paragraph does not apply to the establishment of a
13 virtual charter school.

14 **SECTION 5.** 118.40 (2r) (c) 1. of the statutes is amended to read:

15 118.40 **(2r)** (c) 1. Except as provided in ~~subd.~~ subds. 3. and 4., only pupils who
16 reside in the school district in which a charter school established under this
17 subsection is located may attend the charter school.

18 **SECTION 6.** 118.40 (2r) (c) 4. of the statutes is created to read:

19 118.40 **(2r)** (c) 4. A pupil may attend a virtual charter school established under
20 this subsection regardless of the pupil's school district of residence.

21 **SECTION 7.** 118.40 (2r) (d) 1. of the statutes is amended to read:

22 118.40 **(2r)** (d) 1. ~~Ensure~~ Subject to sub. (8) (b), ensure that all instructional
23 staff of charter schools under this subsection hold a license or permit to teach issued
24 by the department.

25 **SECTION 8.** 118.40 (2r) (e) 2. of the statutes is amended to read:

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1 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin-Parkside
2 establishes or contracts for the establishment of a charter school under this
3 subsection, other than a virtual charter school, in March the department shall pay
4 to the unified school district in which the charter school is located, from the
5 appropriation under s. 20.255 (2) (fm), an amount equal to the amount of school aid
6 per pupil to which the unified school district is eligible in the current school year
7 multiplied by the number of pupils attending the charter school who were previously
8 enrolled in the unified school district.

9 **SECTION 9.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and
10 amended to read:

11 118.40 (3) (c) 1. A school board may not enter into a contract for the
12 establishment of a charter school located outside the school district, except that if 2
13 or more school boards enter into an agreement under s. 66.0301 to establish a charter
14 school, the charter school shall be located within one of the school districts, and if one
15 or more school boards enter into an agreement with the board of control of a
16 cooperative educational service agency to establish a charter school, the charter
17 school shall be located within the boundaries of the cooperative educational service
18 agency. This subdivision does not apply to the establishment of a virtual charter
19 school.

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

22 **SECTION 10.** 118.40 (8) of the statutes is created to read:

23 118.40 (8) VIRTUAL CHARTER SCHOOLS. (a) *Location.* For the purposes of sub.
24 (7) (a), (am) 1., and (ar), a virtual charter school is considered to be located in the
25 following school district:

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

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

7 3. If the common council of the city of Milwaukee, the chancellor of the
8 University of Wisconsin-Milwaukee, or Milwaukee Area Technical College
9 establishes or contracts with a person to establish the virtual charter school, in the
10 school district operating under ch. 119.

11 4. If the chancellor of the University of Wisconsin-Parkside establishes or
12 contracts with a person to establish the virtual charter school, in the unified school
13 district that is located in the county in which the University of Wisconsin-Parkside
14 is located or in an adjacent county, as specified in the contract or charter.

15 (b) *Licensure.* 1. In a virtual charter school, an instructional staff member who
16 holds a license or permit to teach issued by the department is responsible for all of
17 the following for each pupil the staff member teaches:

18 a. Improving learning by planned instruction.

19 b. Diagnosing learning needs.

20 c. Prescribing content delivery through class activities.

21 d. Assessing learning.

22 e. Reporting outcomes to administrators and parents and guardians.

23 f. Evaluating the effects of instruction.

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

4 **SECTION 11.** 118.51 (2) of the statutes is amended to read:

5 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
6 charter school, prekindergarten, 4-year-old kindergarten, or early childhood or
7 school-operated day care program, in a nonresident school district under this
8 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
9 or early childhood or school-operated day care program in a nonresident school
10 district only if the pupil's resident school district offers the same type of program that
11 the pupil wishes to attend and the pupil is eligible to attend that program in his or
12 her resident school district.

13 **SECTION 12.** 118.51 (18) of the statutes is created to read:

14 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. For purposes of this section,
15 a virtual charter school is located in the school district specified in s. 118.40 (8) (a).

16 **SECTION 13.** 121.02 (1) (a) 2. of the statutes is amended to read:

17 121.02 (1) (a) 2. ~~Ensure~~ Subject to s. 118.40 (8) (b), ensure that all instructional
18 staff of charter schools located in the school district hold a license or permit to teach
19 issued by the department. The state superintendent shall promulgate rules defining
20 "instructional staff" for purposes of this subdivision.

21 **SECTION 14.** 121.83 (1m) of the statutes is created to read:

22 121.83 (1m) If a pupil who is not a resident of this state attends a virtual
23 charter school in this state established by or under contract with a school board, the

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1 school board shall charge tuition for the pupil in an amount equal to at least the
2 amount determined under s. 118.51 (16) (a) 3.

3 (END)