



1997 ASSEMBLY BILL 631

November 24, 1997 - Introduced by Representatives OLSEN, UNDERHEIM, DUFF, GARD, ALBERS, OTT, AINSWORTH, JOHNSRUD, GROTHMAN, OWENS, BRANDEMUEHL, WALKER, LADWIG and VRAKAS, cosponsored by Senators DARLING, FARROW, HUELSMAN, WELCH and ROESSLER. Referred to Committee on Education.

1 **AN ACT to repeal** 118.40 (3) (d) and 118.40 (7) (a); **to renumber** 118.40 (7) (b);
2 and **to amend** 116.032 (1), 116.08 (4), 118.40 (1m) (b) 7., 118.40 (2m) (a), 118.40
3 (3) (c) and 118.40 (7) (title) of the statutes; **relating to:** charter schools.

Analysis by the Legislative Reference Bureau

Under current law, a charter school is a school under contract with a school board that is operated by an individual (or group) and that is exempt from most laws governing public schools. A school board may not enter into a contract for the establishment of a charter school located outside the school district unless 2 or more school boards enter into such an agreement, in which case the charter school must be located in one of the school districts. This bill authorizes a school board to contract with an individual, partnership, association or politic or corporate body to operate a school as a charter school. The bill also provides that if one or more school boards contracts with the board of control of a cooperative educational service agency (CESA) to operate a charter school, the charter school must be located within the CESA.

Current law prohibits a school board, other than the Milwaukee Public School (MPS) board, from entering into a contract that would result in the conversion of a private school to a charter school. This bill prohibits any school board, other than the MPS board, from entering into a contract that would result in the conversion of a private, sectarian school to a charter school.

Current law requires school boards to give preference in awarding contracts for operating charter schools to those charter schools that serve children at risk. This bill eliminates this requirement.

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Current law provides that all charter schools, except for MPS charter schools, are instrumentalities of the school district in which they are located and the school board of those districts must employ all the charter school personnel. This bill repeals this provision.

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.** 116.032 (1) of the statutes is amended to read:

2 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
3 pupils a board of control may contract with school districts, University of Wisconsin
4 System institutions and centers, technical college district boards, private schools,
5 and agencies or organizations that provide services to pupils. A board of control may
6 also contract with one or more school boards to operate a charter school under s.
7 118.40 (3) (c).

8 **SECTION 2.** 116.08 (4) of the statutes is amended to read:

9 116.08 (4) ~~Whenever~~ Except for the operation of a charter school under s.
10 118.40 (3) (c), whenever an agency performs any service or function under chs. 115
11 to 121 by contract with a county board or any agency thereof, with a school board or
12 with a county handicapped children's education board, the contract may authorize
13 the agency to make claim for and receive the state aid for performing the service or
14 function. The agency shall transmit a certified copy of the contract containing the
15 authority to collect state aid to the department. When an agency receives the state
16 aid, it shall pay over or credit the amount of state aid received to the proper county
17 or agency thereof, school district or county handicapped children's education board
18 for which the service or function was performed according to the contract therefor.

19 **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. (7) (a) and~~ ss. 118.19 (1) and 121.02 (1) (a) 2.,
2 the qualifications that must be met by the individuals to be employed in the school.

3 **SECTION 4.** 118.40 (2m) (a) of the statutes is amended to read:

4 118.40 **(2m)** (a) A school board may on its own initiative contract with an
5 ~~individual or group~~ a person to operate a school as a charter school. The contract
6 shall include all of the provisions specified under sub. (1m) (b) and may include other
7 provisions agreed to by the parties.

8 **SECTION 5.** 118.40 (3) (c) of the statutes is amended to read:

9 118.40 **(3)** (c) A school board may not enter into a contract for the establishment
10 of a charter school located outside the school district, except that if 2 or more school
11 boards enter into an agreement under s. 66.30 to establish a charter school, the
12 charter school shall be located within one of the school districts, and if one or more
13 school boards enter into an agreement with the board of control of a cooperative
14 educational service agency to establish a charter school, the charter school shall be
15 located within the boundaries of the cooperative educational service agency. A school
16 board, other than the school board of the school district operating under ch. 119, may
17 not enter into a contract that would result in the conversion of a private, sectarian
18 school to a charter school.

19 **SECTION 6.** 118.40 (3) (d) of the statutes is repealed.

20 **SECTION 7.** 118.40 (7) (title) of the statutes is amended to read:

21 118.40 **(7)** (title) ~~LEGAL STATUS; APPLICABILITY~~ APPLICABILITY OF SCHOOL LAWS.

22 **SECTION 8.** 118.40 (7) (a) of the statutes is repealed.

23 **SECTION 9.** 118.40 (7) (b) of the statutes is renumbered 118.40 (7).

24 **SECTION 10. Initial applicability.**

