

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/13/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Merrifield

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters: mlief
champra

Subject: Education - charter schools
Higher Education - UW System

Extra Copies: RAC

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Merrifield -

Topic:

Charter school operated by or under contract with UW-Parkside

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschluet 07/13/2001	_____	gretskl 07/13/2001		

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/3	mlief 07/19/2001	hhagen 07/19/2001	jfrantze 07/19/2001	_____	lrb_docadmin 07/19/2001		
/4	grantpr 07/19/2001	gilfokm 07/19/2001	rschlue 07/19/2001	_____	lrb_docadmin 07/19/2001		
/5	grantpr 07/20/2001	wjackson 07/20/2001	haugca 07/20/2001	_____	lrb_docadmin 07/20/2001		
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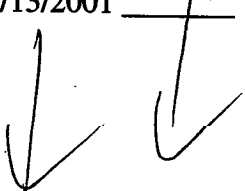
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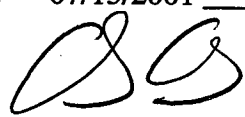
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7/19/01*
J 7/19/01
[Signature]

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07/17/2001 _____

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1?	grantpr	12-7/13- Kmg					

7-13-1

FE Sent For:

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- 62094

UW-PARKSIDE CHARTERING AUTHORITY

✓ Expand the current Milwaukee charter school program to allow UW-Parkside to establish or contract to establish one charter school under the program. Specify that the Chancellor of UW-Parkside would be required to gain approval of the Board of Regents of the UW System in order to establish or contract to establish the charter school.

must be in Racine S.D.

✓ Provide that up to 400 pupils residing within the Racine Unified School District could attend the charter school established by UW-Parkside. Specify that Racine Unified School District could continue to count for purposes of membership and revenue limits those pupils that attended school in the district prior to enrolling in the UW-Parkside charter school.

If UW-Parkside chooses to establish and operate the charter school directly, then create a separate program revenue-service appropriation within the UW to receive state aid payments for the charter school. Specify that UW-Parkside could create and fund positions to staff the charter school through this appropriation. If UW-Parkside contracts to establish a charter school, it could either have the monies flow through this PR appropriation and furnish PR-funded staff to the operator, or have the operator receive the monies and hire the employees.

(covered by K)

✓ Specify that the charter school established by UW-Parkside would not be an instrumentality of any school district and no school district would be allowed to employ personnel for the charter school. Specify that, upon establishing (or contracting) to establish the charter school, the Chancellor of UW-Parkside could designate certain charter school positions as management positions that would be part of the unclassified service. Upon making these designations, require the Chancellor of UW-Parkside to report these designations to DER and to DOA.

(if only furnishing staff to the operator)

RAC

Require that, if UW-Parkside initiates a contract with an individual or group to operate the charter school, that would use employees of UW-Parkside as staff, then the provisions of any collective bargaining agreement between UW-Parkside and its charter school employees would be incorporated into the charter contract.

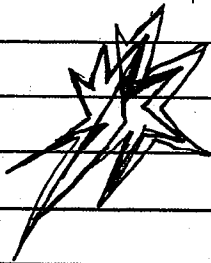
Under current law, employees of the UW System are authorized to bargain collectively and are part of the classified service, unless the employees are faculty or academic staff, or senior executive or administrative staff, as specified in statute.

TC of Lyle Memphise 7/13/07

> CS can only be K-8 (ie no 9-12)

> chancellor decisions - make re designation, prov. as
mgt / unclassified

> hold harmless for Racine sd.



~~adding average~~
reduce normal charter payment
by \$ 1,000 + give it instead to Racine

7/13/01

~~2 versions~~ dr a 2nd version

① all staff directly 12'
But #1,500 → Racine for each pupil

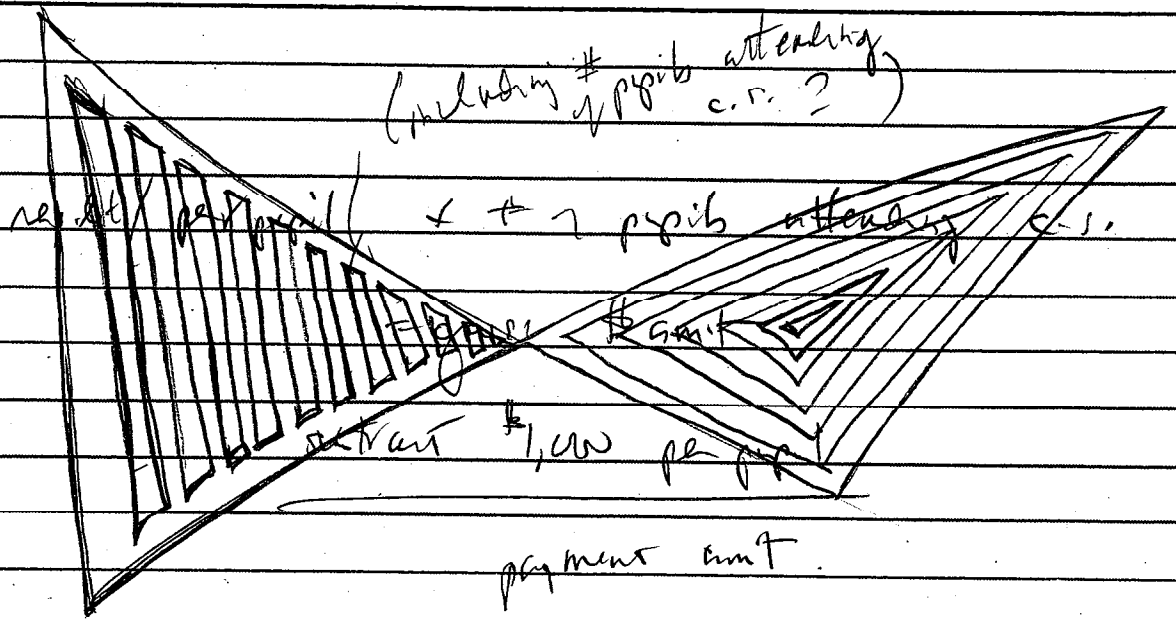
② same but also:

R to receive payments for each pupil who previously attended Racine = to amt we have rec'd as if the pupil continued to attend Racine.

(don't want to affect other schools)

& currently attending C.S.

part out of (2) (fm)



121.08 eq-aid per pupil need by RUD in that yr
x

of pupils attending c.s.

need to be
excluded
in RUD

pay it in March

greater than
\$1,000

loss

LRB 2094/1

DN
NSW

↑
K9

LFB:.....Merrifield – Charter school operated by or under contract with
UW–Parkside

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 46, line 3: after that line insert:

3 “SECTION 240m. 16.505 (2m) of the statutes is amended to read:

4 16.505 (2m) The board of regents of the University of Wisconsin System may
5 create or abolish a full–time equivalent position or portion thereof from revenues
6 appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or (u) or (3) (iz)
7 or (n). No later than the last day of the month following completion of each calendar
8 quarter, the board of regents shall report to the department and the cochairpersons
9 of the joint committee on finance concerning the number of full–time equivalent

1 positions created or abolished by the board under this subsection during the
2 preceding calendar quarter and the source of funding for each such position.”

3 **2.** Page 143, line 4: after that line insert:

4 “(gs) Charter school operator pay-
5 ments PR C -0- -0-”.

6 **3.** Page 144, line 4: after that line insert:

7 “(kc) Charter school PR-S C -0- -0-”.

8 **4.** Page 317, line 18: after that line insert:

9 “SECTION 553m. 20.255 (2) (fm) of the statutes is amended to read:

10 20.255 (2) (fm) *Charter schools*. A sum sufficient to make the payments to
11 charter schools and to the Racine unified school district under s. 118.40 (2r) (e).”

12 **5.** Page 322, line 13: after that line insert:

13 “SECTION 577m. 20.285 (1) (gs) of the statutes is created to read:

14 20.285 (1) (gs) *Charter school operator payments*. All moneys received from the
15 operator of a charter school under contract with the University of
16 Wisconsin–Parkside under s. 118.40 (2r) (b), for the costs associated with the charter
17 school.”

18 **6.** Page 322, line 17: after that line insert:

19 “SECTION 579m. 20.285 (1) (kc) of the statutes is created to read:

20 20.285 (1) (kc) *Charter school*. All moneys received from the department of
21 public instruction under s. 118.40 (2r) (e), for the operation of a charter school by the
22 University of Wisconsin–Parkside under s. 118.40 (2r) (b).”

23 **7.** Page 920, line 19: after that line insert:

1 **SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b)
2 1. (intro.) and amended to read:

3 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
4 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~
5 ~~technical college district board~~ All of the following entities may establish by charter
6 and operate a charter school or, on behalf of their respective entities, may initiate a
7 contract with an individual or group to operate a school as a charter school.:

8 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
9 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
10 to 14. and shall specify the effect of the establishment of the charter school on the
11 liability of the contracting entity under this paragraph. The contract may include
12 other provisions agreed to by the parties. The chancellor of the University of
13 Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may not establish
14 or enter into a contract for the establishment of a charter school under this
15 paragraph without the approval of the board of regents of the University of
16 Wisconsin System.

17 **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

18 118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

19 b. The chancellor of the University of Wisconsin–Milwaukee.

20 c. The chancellor of the University of Wisconsin–Parkside.

21 d. The Milwaukee area technical college district board.

22 **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

23 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
24 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
25 district board may only establish or enter into a contract for the establishment of a

1 charter school located in the school district operating under ch. 119. The chancellor
2 of the University of Wisconsin–Parkside may only establish or enter into a contract
3 for the establishment of a charter school located in the Racine unified school district.

4 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,
5 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

6 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
7 ~~a contract for the establishment of a charter school located outside of the school~~
8 ~~district operating under ch. 119.~~ A pupil residing within the school district operating
9 under ch. 119 may attend a charter school established in the school district operating
10 under ch. 119 under this subsection only if one of the following applies:

11 **SECTION 2715ri.** 118.40 (2r) (c) 1. of the statutes is created to read:

12 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
13 school established under this subsection is located may attend the charter school.

14 **SECTION 2715rk.** 118.40 (2r) (c) 2. f. of the statutes is created to read:

15 118.40 (2r) (c) 2. f. In the previous school year, the pupil participated in the
16 interdistrict transfer program under s. 121.85 (2).

17 **SECTION 2715sk.** 118.40 (2r) (cm) of the statutes is created to read:

18 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
19 establish or enter into a contract for the establishment of only one charter school
20 under this subsection, which may not operate high school grades and which may not
21 accommodate more than 400 pupils.

22 **SECTION 2175sm.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (c)

23 1. and amended to read:

24 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
25 department shall pay to the operator of the charter school an amount equal to the

1 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
 2 school year and the amount of revenue increase per pupil allowed under subch. VII
 3 of ch. 121 in the current school year, multiplied by the number of pupils attending
 4 the charter school, except that the payment to the University of Wisconsin–Parkside
 5 or the operator of the charter school established under contract with the University
 6 of Wisconsin–Parkside shall be \$1,000 less per pupil. The department shall pay 25%
 7 of the total amount in September, 25% in December, 25% in February, and 25% in
 8 June. The department shall send the check to the operator of the charter school.

9 **SECTION 2715sn.** 118.40 (2r) (e) 2. of the statutes is created to read:

10 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
 11 establishes or contracts for the establishment of a charter school under this
 12 subsection, the department shall pay to the Racine unified school district, ^{in March} from the
 13 appropriation under s. 20.255 (2) (fm), ^{the greater of the following: 11 a. An} amount equal to \$1,000 multiplied by the
 14 number of pupils attending the charter school.

15 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

16 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
 17 school located in the school district operating under ch. 119 that is converted to a
 18 charter school is not an instrumentality of ~~the any school district operating under ch.~~
 19 ~~119 and the no school board of that school district may not employ any personnel for~~
 20 the charter school.”

21 **8.** Page 1004, line 9: after that line insert:

22 “**SECTION 3047m.** 230.08 (2) (dm) of the statutes is created to read:

23 230.08 (2) (dm) Any persons employed by the board of regents of the University
 24 of Wisconsin System and designated as school administrators of a charter school

INS.
5-14

1 operated by or on behalf of the University of Wisconsin-Parkside under s. 118.40
2 (2r).”

3 (END)

5-14

~~a. An amount equal to~~

b. An amount equal to the amount of
school aid ^{per pupil} to which the Racine Unified
School District is eligible ⁱⁿ ~~in~~ the current
school year multiplied by the number of
pupils attending the charter school who were
previously enrolled in the Racine Unified
School District.

~~SEE 2015 SP. OR. 118.40 (2r)~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2094/1dn
PG&MJL:king:rs

5

July 13, 2001

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

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Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

7/17/01

TC from Cayla as LFR —

require all charter employees to

be UW U's.



State of Wisconsin
2001 - 2002 LEGISLATURE

DN
P.6

LRBb2095/1²
MJL&PG:kgrrs

LFB:.....Merrifield - Charter school operated by or under contract with
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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 46, line 3: after that line insert:
- 3 "SECTION 240m. 16.505 (2m) of the statutes is amended to read:
- 4 16.505 (2m) The board of regents of the University of Wisconsin System may
- 5 create or abolish a full-time equivalent position or portion thereof from revenues
- 6 appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or (u) or (3) (iz)
- 7 or (n). No later than the last day of the month following completion of each calendar
- 8 quarter, the board of regents shall report to the department and the cochairpersons
- 9 of the joint committee on finance concerning the number of full-time equivalent

1 positions created or abolished by the board under this subsection during the
2 preceding calendar quarter and the source of funding for each such position.”

3 **2.** Page 143, line 4: after that line insert:

4 “(gs) Charter school operator pay-
5 ments PR C -0- -0-”.

6 **3.** Page 144, line 4: after that line insert:

7 “(kc) Charter school PR-S C -0- -0-”.

8 **4.** Page 317, line 18: after that line insert:

9 “SECTION 553m. 20.255 (2) (fm) of the statutes is amended to read:
10 20.255 (2) (fm) *Charter schools*. A sum sufficient to make the payments to
11 charter schools and to the Racine Unified School District under s. 118.40 (2r) (e).”.

12 **5.** Page 322, line 13: after that line insert:

13 “SECTION 577m. 20.285 (1) (gs) of the statutes is created to read:
14 20.285 (1) (gs) *Charter school operator payments*. All moneys received from the
15 operator of a charter school under contract with the University of
16 Wisconsin–Parkside under s. 118.40 (2r) (b), for the costs associated with the charter
17 school.”.

18 **6.** Page 322, line 17: after that line insert:

19 “SECTION 579m. 20.285 (1) (kc) of the statutes is created to read:
20 20.285 (1) (kc) *Charter school*. All moneys received from the department of
21 public instruction under s. 118.40 (2r) (e), for the operation of a charter school by the
22 University of Wisconsin–Parkside under s. 118.40 (2r) (b).”.

23 **7.** Page 920, line 19: after that line insert:

1 **SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b)
2 1. (intro.) and amended to read:

3 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
4 ~~chancellor of the University of Wisconsin-Milwaukee and the Milwaukee area~~
5 ~~technical college district board~~ All of the following entities may establish by charter
6 and operate a charter school or, on behalf of their respective entities, may initiate a
7 contract with an individual or group to operate a school as a charter school:

8 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
9 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
10 to 14. and shall specify the effect of the establishment of the charter school on the
11 liability of the contracting entity under this paragraph. The contract may include
12 other provisions agreed to by the parties. The chancellor of the University of
13 Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish
14 or enter into a contract for the establishment of a charter school under this
15 paragraph without the approval of the board of regents of the University of
16 Wisconsin System.

17 **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

18 118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

19 b. The chancellor of the University of Wisconsin-Milwaukee.

20 c. The chancellor of the University of Wisconsin-Parkside.

21 d. The Milwaukee area technical college district board.

22 **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

23 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
24 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college
25 district board may only establish or enter into a contract for the establishment of a

1 charter school located in the school district operating under ch. 119. The chancellor
2 of the University of Wisconsin-Parkside may only establish or enter into a contract
3 for the establishment of a charter school located in the Racine Unified School
4 District.

5 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,
6 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

7 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
8 ~~a contract for the establishment of a charter school located outside of the school~~
9 ~~district operating under ch. 119.~~ A pupil residing within the school district operating
10 under ch. 119 may attend a charter school established in the school district operating
11 under ch. 119 under this subsection only if one of the following applies:

12 **SECTION 2715ri.** 118.40 (2r) (c) 1. of the statutes is created to read:

13 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
14 school established under this subsection is located may attend the charter school.

15 **SECTION 2715rk.** 118.40 (2r) (c) 2. f. of the statutes is created to read:

16 118.40 (2r) (c) 2. f. In the previous school year, the pupil participated in the
17 interdistrict transfer program under s. 121.85 (2).

18 **SECTION 2715sk.** 118.40 (2r) (cm) of the statutes is created to read:

19 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may
20 establish or enter into a contract for the establishment of only one charter school
21 under this subsection, which may not operate high school grades and which may not
22 accommodate more than 400 pupils.

23 **SECTION 2175sm.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e)
24 1. and amended to read:

1 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
2 department shall pay to the operator of the charter school an amount equal to the
3 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
4 school year and the amount of revenue increase per pupil allowed under subch. VII
5 of ch. 121 in the current school year, multiplied by the number of pupils attending
6 the charter school, except that the payment to the University of Wisconsin-Parkside
7 or the operator of the charter school established under contract with the University
8 of Wisconsin-Parkside shall be \$1,000 less per pupil. The department shall pay 25%
9 of the total amount in September, 25% in December, 25% in February, and 25% in
10 June. The department shall send the check to the operator of the charter school.

11 **SECTION 2715sn.** 118.40 (2r) (e) 2. of the statutes is created to read:

12 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin-Parkside
13 establishes or contracts for the establishment of a charter school under this
14 subsection, the department shall pay to the Racine Unified School District in March,
15 from the appropriation under s. 20.255 (2) (fm), the greater of the following:

16 a. An amount equal to \$1,000 multiplied by the number of pupils attending the
17 charter school.

18 b. An amount equal to the amount of school aid per pupil to which the Racine
19 Unified School District is eligible in the current school year multiplied by the number
20 of pupils attending the charter school who were previously enrolled in the Racine
21 Unified School District.

22 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

23 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
24 school located in the school district operating under ch. 119 that is converted to a
25 charter school is not an instrumentality of the any school district operating under ch.

1 ~~119 and the no school board of that school district may not employ any personnel for~~
2 the charter school." *INS. 6-2*

3 **8.** Page 1004, line 9: after that line insert:

4 "SECTION 3047m. 230.08 (2) (dm) of the statutes is created to read:

5 230.08 (2) (dm) Any persons employed by the board of regents of the University
6 of Wisconsin System and designated as school administrators of a charter school
7 operated by or on behalf of the University of Wisconsin-Parkside under s. 118.40
8 (2r).".

9 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/Adn
PG&MJL:kmg:rs

July 13, 2001

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

Peter R. Grant
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Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

6-2

~~A charter school established under
sub. (2r) that is operated by~~

NOA If the chancellor of the University of
Wisconsin - Parkside establishes or contracts for
the establishment of a charter school under
sub. (2r), the board of regents of the
University of Wisconsin System shall employ
all personnel for the charter school.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/2dn
MJL&PG:kg:pg

July 17, 2001

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

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Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

Barman, Mike

From: Barman, Mike
Sent: Wednesday, July 18, 2001 8:18 AM
To: Merrifield, Layla
Subject: LRBb2095/2 (attached) (per your request)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/2dn
MJL&PG:kg:pg

July 17, 2001
Date

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

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Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

Champagne, Rick

From: Burnett, Douglas
Sent: Wednesday, July 18, 2001 8:31 PM
To: Champagne, Rick
Subject: FW: Charter School Revisions

Rick-Here's what we'd like to do:

We want them to be unclassified employees, set up so that they can choose to be organized and choose their own bargaining unit, and also use the alternative you suggest on compensation, but have the Charter school board set the compensation, under the direction of the UW.

So, on #1 below OK, only the teaching staff would be UW employees

On #2, yes, they would have the right to organize their own unit;

On #3, yes, set up a board appointed by the chancellor

On #4, yes, if this is feasible with the Charter School Board modeled on the UW Hospital Board on #5.

Champagne, Rick

From: Burnett, Douglas
Sent: Wednesday, July 18, 2001 3:00 PM
To: Champagne, Rick
Subject: RE: Charter School Revisions

Rick-Please touch base with Stocks on this alternative, I think it's acceptable to us, including making them unclassified.

Thank you for the help on the alternative.

-----Original Message-----

From: Champagne, Rick
Sent: Wednesday, July 18, 2001 2:54 PM
To: Burnett, Douglas
Subject: RE: Charter School Revisions

Doug:

A couple of quick observations after thinking more about the proposal:

1. I think there is a legal problem with delegating to a private entity the authority to set state employee compensation. I think that UW can certainly delegate some management and supervision functions to the private entity operating the charter school, but to give the entity the sole power to determine state employee compensation and conditions of employment may be going to far and could result in an unconstitutional delegation of authority.
2. As an alternative, you could carve out a new collective bargaining unit or units for the state employees who work at the charter school operated by the private entity, have the UW represent the employer in the collective bargaining process, but require the UW to consult with the private entity during negotiations. In this way, the private entity will have input into the issue of employee compensation. In the absence of a collective bargaining agreement covering these employees, the UW would have compensation setting authority.
3. If you wish for these employees to be included in the current Education collective bargaining unit, then the employees would have to be classified employees (unless you changed the law), but if you want these employees to be in a new collective bargaining unit and have these employees not covered by many of the civil service provisions affecting classified employees, then you should consider making these employees unclassified employees. Classified employees are covered under ch. 230; unclassified employees are not covered under many of the ch. 230 provisions. It makes no sense to have a group of classified employees who are not covered under ch. 230.

I just got your message to call John Stocks. I'll be in touch.

Rick

-----Original Message-----

From: Burnett, Douglas
Sent: Wednesday, July 18, 2001 1:57 PM
To: Loppnow, Dave; Champagne, Rick
Subject: FW: Charter School Revisions

Rick and Dave-FYI, Chuck and I will be discussing these issues, and we'll let you guys know on drafting.

-----Original Message-----

From: Strohl, Joe [<mailto:joseph.strohl@neg.pge.com>] <[\[mailto:joseph.strohl@neg.pge.com\]](mailto:[mailto:joseph.strohl@neg.pge.com])>
Sent: Wednesday, July 18, 2001 12:58 PM
To: 'douglas.burnett@legis.state.wi.us'
Cc: 'peter.grant@legis.state.wi.us'; 'Rick.Champagne@legis.state.wi.us'; 'jmatthew@foleylaw.com'
Subject: Charter School Revisions

Doug,

We have met with LRB and have identified the following issues that we believe need clarifying:

1. Management Employees - these individuals should not be UW employees, only the teaching staff (classified employees) would be UW employees.
2. Right to Organize their Own Unit - without a change here the employees would automatically be in a collective bargaining unit which is probably WEAC. We want to give them the right to decide if they want to be in a union and who that union should be.
3. Who Bargain With - without a change, the employees would negotiate a contract with DER. We want the employees or their rep to negotiate with the charter school board.
4. Who Decides Wages if no Union Representation - we want the charter school board to determine wages and other conditions of employment if no union represents the employees. Without a change here the DER plan would automatically apply.
5. Management Issues - we want the charter school's authority to be modeled after 146.59 (3) (a) of UW Hospital Board (this would, in this case, specifically delegate managerial power charter school board)

We believe these items reflect what Chuck thought was what the new charter was going to look like. Only after meeting with LRB were we aware that without specific statutory changes the new charter could not function as we agreed it would.

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State of Wisconsin
2001 - 2002 LEGISLATURE

DN

LRBb2095/3
MJL&PG:kg:pg
RAC

LFB:.....Merrifield - Charter school operated by or under contract with
UW-Parkside

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Now

Insert
1-1

Insert
A

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 46, line 3: after that line insert:

3 "SECTION 240m. 16.505 (2m) of the statutes is amended to read:

4 16.505 (2m) The board of regents of the University of Wisconsin System may
5 create or abolish a full-time equivalent position or portion thereof from revenues
6 appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or (u) or (3) (iz)
7 or (n). No later than the last day of the month following completion of each calendar
8 quarter, the board of regents shall report to the department and the cochairpersons
9 of the joint committee on finance concerning the number of full-time equivalent

1 positions created or abolished by the board under this subsection during the
2 preceding calendar quarter and the source of funding for each such position.”

Insert 2-2

3 **2.** Page 143, line 4: after that line insert:

4 “(gs) Charter school operator pay-
5 ments PR C -0- -0-”

6 **3.** Page 144, line 4: after that line insert:

7 “(kc) Charter school PR-S C -0- -0-”

8 **4.** Page 317, line 18: after that line insert:

9 “SECTION 553m. 20.255 (2) (fm) of the statutes is amended to read:
10 20.255 (2) (fm) *Charter schools*. A sum sufficient to make the payments to
11 charter schools and to the Racine Unified School District under s. 118.40 (2r) (e).”

12 **5.** Page 322, line 13: after that line insert:

13 “SECTION 577m. 20.285 (1) (gs) of the statutes is created to read:
14 20.285 (1) (gs) *Charter school operator payments*. All moneys received from the
15 operator of a charter school under contract with the University of
16 Wisconsin-Parkside under s. 118.40 (2r) (b), for the costs associated with the charter
17 school.”

18 **6.** Page 322, line 17: after that line insert:

19 “SECTION 579m. 20.285 (1) (kc) of the statutes is created to read:
20 20.285 (1) (kc) *Charter school*. All moneys received from the department of
21 public instruction under s. 118.40 (2r) (e), for the operation of a charter school by the
22 University of Wisconsin-Parkside under s. 118.40 (2r) (b).”

Insert 2-22

23 **7.** Page 920, line 19: after that line insert:

Insert 2-23

1

SECTION 2715q. 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b)

2

1. (intro.) and amended to read:

3

118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee and the Milwaukee area technical college district board~~ All of the following entities may establish by charter and operate a charter school or, on behalf of their respective entities, may initiate a contract with an individual or group to operate a school as a charter school:

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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.

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SECTION 2715qg. 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

18

118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

19

b. The chancellor of the University of Wisconsin-Milwaukee.

20

c. The chancellor of the University of Wisconsin-Parkside.

21

d. The Milwaukee area technical college district board.

22

SECTION 2715r. 118.40 (2r) (bm) of the statutes is created to read:

23

118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college district board may only establish or enter into a contract for the establishment of a

24

25

1 charter school located in the school district operating under ch. 119. The chancellor
2 of the University of Wisconsin-Parkside may only establish or enter into a contract
3 for the establishment of a charter school located in the Racine Unified School
4 District.

5 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,
6 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

7 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
8 ~~a contract for the establishment of a charter school located outside of the school~~
9 ~~district operating under ch. 119.~~ A pupil residing within the school district operating
10 under ch. 119 may attend a charter school established in the school district operating
11 under ch. 119 under this subsection only if one of the following applies:

12 **SECTION 2715ri.** 118.40 (2r) (c) 1. of the statutes is created to read:

13 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
14 school established under this subsection is located may attend the charter school.

15 **SECTION 2715rk.** 118.40 (2r) (c) 2. f. of the statutes is created to read:

16 118.40 (2r) (c) 2. f. In the previous school year, the pupil participated in the
17 interdistrict transfer program under s. 121.85 (2).

18 **SECTION 2715sk.** 118.40 (2r) (cm) of the statutes is created to read:

19 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may
20 establish or enter into a contract for the establishment of only one charter school
21 under this subsection, which may not operate high school grades and which may not
22 accommodate more than 400 pupils.

23 **SECTION 2715sm.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e)

24 1. and amended to read:

1 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
 2 department shall pay to the operator of the charter school an amount equal to the
 3 sum of the amount paid per pupil under this ~~paragraph subdivision~~ in the previous
 4 school year and the amount of revenue increase per pupil allowed under subch. VII
 5 of ch. 121 in the current school year, multiplied by the number of pupils attending
 6 the charter school ~~except that the payment to the University of Wisconsin-Parkside
 7 or the operator of the charter school established under contract with the University
 8 of Wisconsin-Parkside shall be \$1,000 less per pupil.~~ The department shall pay 25%
 9 of the total amount in September, 25% in December, 25% in February, and 25% in
 10 June. The department shall send the check to the operator of the charter school.

11 SECTION 2715sn. 118.40 (2r) (e) 2. of the statutes is created to read:

12 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin-Parkside
 13 establishes or contracts for the establishment of a charter school under this
 14 subsection, the department shall pay to the Racine Unified School District in March,
 15 from the appropriation under s. 20.255 (2) (fm), ~~the greater of the following~~

16 a. ~~An amount equal to \$1,000 multiplied by the number of pupils attending the
 17 charter school.~~

18 ~~Not~~ ~~to~~ An amount equal to the amount of school aid per pupil to which the Racine
 19 Unified School District is eligible in the current school year multiplied by the number
 20 of pupils attending the charter school who were previously enrolled in the Racine
 21 Unified School District.

22 SECTION 2715t. 118.40 (7) (am) 2. of the statutes is amended to read:

23 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
 24 school located in the school district operating under ch. 119 that is converted to a
 25 charter school is not an instrumentality of the any school district operating under ch.

1 119 and the no school board of that school district may not employ any personnel for
 2 the charter school. If the chancellor of the University of Wisconsin-Parkside
 3 establishes or contracts for the establishment of a charter school under sub. (2r), the
 4 board of regents of the University of Wisconsin System shall employ all ~~personnel~~ for
 5 the charter school. *instructional staff*

6 **8. Page 1004, line 9: after that line insert:**

7 **"SECTION 3047m. 230.08 (2) (dm) of the statutes is created to read:**

8 230.08 (2) (dm) Any persons employed by the board of regents of the University
 9 of Wisconsin System and designated as school administrators of a charter school
 10 operated by or on behalf of the University of Wisconsin-Parkside under s. 118.40
 11 (2r)."

12 ~~END~~

END

INSERT 5

*... if the chancellor... in the
 ... school
 as administrators of the charter...
 be employees of the board of regents... not*

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/3ins
RAC:

Insert
A

1. Page ²⁵90, line ³6: after that line insert:
"SECTION ~~130i~~^{134A}. 15.07 (1) (b) 23. of the statutes is created to read:
15.07 (1) (b) 23. Charter school compensation board."

Insert
2-228

2. Page 427, line 23: after that line insert:
"SECTION 993i. 20.923 (6) (m) of the statutes is amended to read:
20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
instructors, research assistants, librarians and other teachers, as defined in s. 40.02
(55), and the staff of the environmental education board, instructional staff
employed by the board of regents of the University of Wisconsin System who provide
services for a charter school established under s. 118.40 (2r) (cm).

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 36, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186.

11

3. Page ⁵¹511, line 23: after that line insert:
"SECTION 1351x. 36.11 (47) of the statutes is created to read:
36.11 (47) INSTRUCTIONAL STAFF ASSIGNED TO CHARTER SCHOOLS. (a) The board
shall delegate to the charter school compensation board the board's authority under
s. 20.923 (6) (m) with respect to instructional staff employed by the board of regents
who provide services for a charter school established under s. 118.40 (2r) (cm).

17

(b) If the chancellor of the University of Wisconsin-Parkside enters into a
contract for the establishment of a charter school under s. 118.40 (2r) (cm), the board
shall include in the contract a provision that authorizes the operator of the charter
school to perform specified duties for the board with respect to employees of the
board. This authorization may include duties related to supervising employees,



1 taking disciplinary actions or recommending new hires or layoffs, collective
2 bargaining, claims, complaints, or benefits and records administration.”.

3 4. Page 519, line 12: after that line insert:

4 (4) “SECTION 1365^p~~a~~. 36.41 of the statutes is created to read:

5 36.41 Charter school compensation board. The charter school
6 compensation board shall establish and adjust all compensation and fringe benefits
7 for instructional staff employed by the board of regents who provide services for a
8 charter school established under s. 118.40 (2r) (cm), subject to the terms of any
9 collective bargaining agreement under subch. V of ch. 111 covering the instructional
10 staff.”.

11 5. Page 913, line 2: after that line insert:

12 SECTION 2615^b. 111.81 (9m) of the statutes is created to read:

13 111.81 (9m) “Instructional staff” has the meaning given in rules promulgated
14 by the department of public instruction under s. 121.02 (1) (a) 2.

15 (15) “SECTION 2615^a~~a~~. 111.81 (7) (f) of the statutes is created to read:

16 111.81 (7) (f) Instructional staff employed by the board of regents of the
17 University of Wisconsin System who provide services for a charter school established
18 under s. 118.40 (2r) (cm).

19 (19) SECTION 2615^b~~a~~. 111.815 (1) of the statutes is amended to read:

20 111.815 (1) In the furtherance of this subchapter, the state shall be considered
21 as a single employer and employment relations policies and practices throughout the
22 state service shall be as consistent as practicable. The department shall negotiate
23 and administer collective bargaining agreements. To coordinate the employer
24 position in the negotiation of agreements, the department shall maintain close

1 liaison with the legislature relative to the negotiation of agreements and the fiscal
 2 ramifications thereof. Except with respect to the collective bargaining units
 3 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer
 4 functions of the executive branch under this subchapter, and shall coordinate its
 5 collective bargaining activities with operating state agencies on matters of agency
 6 concern. The legislative branch shall act upon those portions of tentative
 7 agreements negotiated by the department which require legislative action. With
 8 respect to the collective bargaining units specified in s. 111.825 (1m), the University
 9 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
 10 under this subchapter. With respect to the collective bargaining unit specified in s.
 11 111.825 (2) (f), the charter school compensation board is responsible for the employer
 12 functions under this subchapter.

History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27

13 **SECTION 2615h.** 111.815 (2) of the statutes is amended to read:

14 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
 15 of the department shall establish a collective bargaining capability within the
 16 department outside of the division of merit recruitment and selection and shall,
 17 together with the appointing authorities or their representatives, represent the state
 18 in its responsibility as an employer under this subchapter except with respect to
 19 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
 20 The secretary of the department shall establish and maintain, wherever practicable,
 21 consistent employment relations policies and practices throughout the state service.

History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27

22 **SECTION 2615j.** 111.825 (2) (f) of the statutes is created to read:

1 111.825 (2) (f) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 under s. 118.40 (2r) (cm).

4 SECTION 2615L. 111.84 (2) (c) of the statutes is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
6 (1) with the duly authorized officer or agent of the employer which is the recognized
7 or certified exclusive collective bargaining representative of employees specified in
8 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
9 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
10 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
11 shall include, but not be limited to, the refusal to execute a collective bargaining
12 agreement previously orally agreed upon.

History: 1971 c. 270; 1973 c. 212; 1983 a. 160; 1985 a. 42; 1989 a. 13, 31; 1991 a. 289; 1993 a. 492; 1995 a. 27.

13 SECTION 2615n. 111.91 (4) of the statutes is amended to read:

14 111.91 (4) The secretary of the department, in connection with the development
15 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
16 shall endeavor to obtain tentative agreements with each recognized or certified labor
17 organization representing employees or supervisors of employees specified in s.
18 111.81 (7) (a) and with each certified labor organization representing employees
19 specified in s. 111.81 (7) (b) ~~or (e)~~ to (d) ^(e) which do not contain any provision for the
20 payment to any employee of a cumulative or noncumulative amount of compensation
21 in recognition of or based on the period of time an employee has been employed by
22 the state.

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237; 1999 a. 9, 95, 115, 155.

23 SECTION 2615p. 111.92 (1) (a) of the statutes is amended to read:

1 111.92 (1) (a) Any tentative agreement reached between the department,
2 acting for the state, and any labor organization representing a collective bargaining
3 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
4 labor organization, be submitted by the department to the joint committee on
5 employment relations, which shall hold a public hearing before determining its
6 approval or disapproval. If the committee approves the tentative agreement, it shall
7 introduce in a bill or companion bills, to be put on the calendar or referred to the
8 appropriate scheduling committee of each house, that portion of the tentative
9 agreement which requires legislative action for implementation, such as salary and
10 wage adjustments, changes in fringe benefits, and any proposed amendments,
11 deletions or additions to existing law. Such bill or companion bills are not subject to
12 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
13 suitable portions of the tentative agreement to appropriate legislative committees
14 for advisory recommendations on the proposed terms. The committee shall
15 accompany the introduction of such proposed legislation with a message that informs
16 the legislature of the committee's concurrence with the matters under consideration
17 and which recommends the passage of such legislation without change. If the joint
18 committee on employment relations does not approve the tentative agreement, it
19 shall be returned to the parties for renegotiation. If the legislature does not adopt
20 without change that portion of the tentative agreement introduced by the joint
21 committee on employment relations, the tentative agreement shall be returned to
22 the parties for renegotiation.

History: 1971 c. 270; 1977 c. 196 s. 130 (9); 1981 c. 20 s. 2202 (33) (b); 1981 c. 126, 391; 1985 a. 42 s. 29; 1989 a. 336; 1995 a. 27.

SECTION 2615r. 111.92 (1) (c) of the statutes is created to read:

1 111.92 (1) (c) Any tentative agreement reached between the charter school
 2 compensation board, acting for the state, and any labor organization representing
 3 a collective bargaining unit specified in s. 111.825 (2) (f) shall, after official
 4 ratification by the labor organization, be executed by the parties.

5 **SECTION 2615t.** 111.93 (2) of the statutes is amended to read:

6 111.93 (2) All civil service and other applicable statutes concerning wages,
 7 fringe benefits, hours and conditions of employment apply to employees specified in
 8 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
 9 representative is recognized or certified and to employees specified in s. 111.81 (7)
 10 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a
 11 representative is certified.”

end of INS 2-22

History: 1971 c. 270, 336; 1977 c. 196 s. 131; 1981 c. 187; 1983 a. 46, 409; 1985 a. 42; 1989 a. 13, 31; 1999 a. 101, 125; s. 13.93 (2) (c).

*INS
65*

12 **6.** Page 1004, line 9: after that line insert:

13 **SECTION 3047p.** 230.08 (2) (dm) of the statutes is created 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 under s. 118.40 (2r) (cm).”

17 **7.** Page 1006, line 13: after that line insert:

18 **SECTION 3060p.** 230.10 (2) of the statutes is amended to read:

19 230.10 (2) The compensation plan in effect at the time that a representative
 20 is recognized or certified to represent employees in a collective bargaining unit and
 21 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
 22 that a representative is certified to represent employees in a collective bargaining
 23 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
 24 and benefit provisions for employees in the collective bargaining unit until a

1 collective bargaining agreement becomes effective for that unit. If a collective
 2 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
 3 a subsequent agreement, and a representative continues to be recognized or certified
 4 to represent employees specified in s. 111.81 (7) (a) or certified to represent
 5 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,
 6 the wage rates of the employees in such a unit shall be frozen until a subsequent
 7 agreement becomes effective, and the compensation plan under s. 230.12 and salary
 8 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
 9 unit.”.

History: 1971 c. 270; 1977 c. 44; 1977 c. 196 ss. 35, 131; 1977 c. 272 s. 98; Stats. 1977 s. 230.10; 1985 a. 42; 1989 a. 31.

10 **8.** Page 1007, line 14: after that line insert:

11 “SECTION 3078d. 230.35 (1) (a) (intro.) of the statutes is amended to read:
 12 230.35 (1) (a) (intro.) Except as provided in subs. (1m) and, (1r), and (1s),
 13 appointing authorities shall grant to each person in their employ, except
 14 limited-term employees, based on accumulated continuous state service, annual
 15 leave of absence without loss of pay at the rate of.”.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125.

16 **9.** Page 1007, line 18: after that line insert:

17 “SECTION 3079r. 230.35 (1s) of the statutes is created to read:
 18 230.35 (1s) Annual leave of absence without pay for instructional staff
 19 employed by the board of regents of the University of Wisconsin System who provide
 20 services for a charter school established under s. 118.40 (2r) (cm) shall be determined
 21 by the charter school compensation board, subject to the terms of any collective
 22 bargaining agreement under subch. V of ch. 111 covering the instructional staff.”.

Fixed 1-1

Page 32, line 12: after that line insert:

186~~AP~~

" SEC. 1 CR, 15.915(4)

(B)

15.915(4) CHARTER SCHOOL COMPENSATION

(CS)

BOARD. There is created a charter school

compensation board attached to the University of

Wisconsin system under s. 15.03. The members

shall be appointed ^{by the board of regents} for 3-year terms. The

charter school compensation ^{board} _{does not} have

rulemaking authority. "

INSET 2-23

~~11.1~~

2715P ✓

" sec. RC, 118.40(2r)(a) ... 118.40(1r)(a)

In this subsection,

(B) 118.40(2r)(a) "instructional staff"

has the meaning given in the rules promulgated by the department under s. 121.02(1)(a)2.

Page 925, line 10: after that line insert:

" Section #. 121.02 (1) (a) 2. of the statutes is amended to read:
(21620

121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision and ~~s. 118.40 (2) (d) 1.~~ ^{and}

History: 1973 c. 90, 115, 243, 333; 1975 c. 39, 198; 1977 c. 29, 178, 206, 418, 429, 447; 1979 c. 34, 221; 1985 a. 29, 228; 1987 a. 27, 399; 1989 a. 31, 285; 1991 a. 48, 269; 1993 a. 16, 339, 430, 450; 1995 a. 27 ss. 4036 to 4038, 9145 (1); 1997 a. 27, 113; 1999 a. 9.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/3dn
PG&MJL:kg&hh:jf

July 19, 2001

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

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Barman, Mike

From: Barman, Mike

Sent: Thursday, July 19, 2001 2:37 PM

To: Burnett, Douglas

Subject: LRBb2095/3 (attached)

07/19/2001



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2095/3
RAC/MJL/PG:kg:jf

NOW

DN

PR 1, 3, 4, + 13, etc.

LFB:.....Merrifield - Charter school operated by or under contract with
UW-Parkside

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 25, line 3: after that line insert:

3 "SECTION 134f. 15.07 (1) (b) 23. of the statutes is created to read:

4 15.07 (1) (b) 23. Charter school compensation board."

5 **2.** Page 32, line 12: after that line insert:

6 "SECTION 186p. 15.915 (4) of the statutes is created to read:

7 15.915 (4) CHARTER SCHOOL COMPENSATION BOARD. There is created a charter

8 school compensation board attached to the University of Wisconsin System under s.

1 15.03. The members shall be appointed by the board of regents for 3-year terms.
2 The charter school compensation board does not have rule-making authority.”

3 **3.** Page 46, line 3: after that line insert:

4 “SECTION 240m. 16.505 (2m) of the statutes is amended to read:

5 16.505 (2m) The board of regents of the University of Wisconsin System may
6 create or abolish a full-time equivalent position or portion thereof from revenues
7 appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or (u) or (3) (iz)
8 or (n). No later than the last day of the month following completion of each calendar
9 quarter, the board of regents shall report to the department and the cochairpersons
10 of the joint committee on finance concerning the number of full-time equivalent
11 positions created or abolished by the board under this subsection during the
12 preceding calendar quarter and the source of funding for each such position.”

13 **4.** Page 143, line 4: after that line insert:

14 “(gs) Charter school operator pay-
15 ments PR C -0- -0-”.

16 **5.** Page 144, line 4: after that line insert:

17 “(kc) Charter school PR-S C -0- -0-”.

18 **6.** Page 317, line 18: after that line insert:

19 “SECTION 553m. 20.255 (2) (fm) of the statutes is amended to read:
20 20.255 (2) (fm) *Charter schools*. A sum sufficient to make the payments to
21 charter schools and to the Racine Unified School District under s. 118.40 (2r) (e).”

22 **7.** Page 322, line 13: after that line insert:

23 “SECTION 577m. 20.285 (1) (gs) of the statutes is created to read:

1 20.285 (1) (gs) *Charter school operator payments.* All moneys received from the
2 operator of a charter school under contract with the University of
3 Wisconsin-Parkside under s. 118.40 (2r) (b), for the costs associated with the charter
4 school.”.

5 **8.** Page 322, line 17: after that line insert:

6 “SECTION 579m. 20.285 (1) (kc) of the statutes is created to read:

7 20.285 (1) (kc) *Charter school.* All moneys received from the department of
8 public instruction under s. 118.40 (2r) (e), for the operation of a charter school by the
9 University of Wisconsin-Parkside under s. 118.40 (2r) (b).”.

10 **9.** Page 427, line 23: after that line insert:

11 “SECTION 993i. 20.923 (6) (m) of the statutes is amended to read:

12 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
13 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
14 (55), ~~and~~ the staff of the environmental education board, ^{and} instructional staff
15 employed by the board of regents of the University of Wisconsin System who provide
16 services for a charter school established under s. 118.40 (2r) (cm).”.

17 **10.** Page 515, line 23: after that line insert:

18 “SECTION 1351x. 36.11 (47) of the statutes is created to read:

19 36.11 (47) INSTRUCTIONAL STAFF ASSIGNED TO CHARTER SCHOOLS. (a) The board
20 shall delegate to the charter school compensation board the board’s authority under
21 s. 20.923 (6) (m) with respect to instructional staff employed by the board of regents
22 who provide services for a charter school established under s. 118.40 (2r) (cm).

23 (b) If the chancellor of the University of Wisconsin-Parkside enters into a
24 contract for the establishment of a charter school under s. 118.40 (2r) (cm), the board

1 ~~(shall include in the~~ contract ^{shall include} a provision that authorizes the operator of the charter
 2 school to perform specified duties for the board with respect to employees of the
 3 board. This authorization may include duties related to supervising employees,
 4 taking disciplinary actions or recommending new hires or layoffs, collective
 5 bargaining, claims, complaints, or benefits and records administration.”

6 **11.** Page 519, line 12: after that line insert:

7 “SECTION 1365p. 36.41 of the statutes is created to read:

8 **36.41 Charter school compensation board.**

9 compensation board shall establish and adjust all compensation and fringe benefits
 10 for instructional staff employed by the board of regents who provide services for a
 11 charter school established under s. 118.40 (2r) (cm), subject to the terms of any
 12 collective bargaining agreement under subch. V of ch. 111 covering the instructional
 13 staff.”

In addition to the authority delegated to the charter school compensation board under s. 36.11 (4) (a),

47

14 **12.** Page 913, line 2: after that line insert:

15 “SECTION 2615ag. 111.81 (7) (f) of the statutes is created to read:

16 111.81 (7) (f) Instructional staff employed by the board of regents of the
 17 University of Wisconsin System who provide services for a charter school established
 18 under s. 118.40 (2r) (cm).

19 SECTION 2615b. 111.81 (9m) of the statutes is created to read:

20 111.81 (9m) “Instructional staff” has the meaning given in rules promulgated
 21 by the department of public instruction under s. 121.02 (1) (a) 2.

22 SECTION 2615bm. 111.815 (1) of the statutes is amended to read:

23 111.815 (1) In the furtherance of this subchapter, the state shall be considered
 24 as a single employer and employment relations policies and practices throughout the

1 state service shall be as consistent as practicable. The department shall negotiate
2 and administer collective bargaining agreements. To coordinate the employer
3 position in the negotiation of agreements, the department shall maintain close
4 liaison with the legislature relative to the negotiation of agreements and the fiscal
5 ramifications thereof. Except with respect to the collective bargaining units
6 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer
7 functions of the executive branch under this subchapter, and shall coordinate its
8 collective bargaining activities with operating state agencies on matters of agency
9 concern. The legislative branch shall act upon those portions of tentative
10 agreements negotiated by the department which require legislative action. With
11 respect to the collective bargaining units specified in s. 111.825 (1m), the University
12 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
13 under this subchapter. With respect to the collective bargaining unit specified in s.
14 111.825 (2) (f), the charter school compensation board is responsible for the employer
15 functions under this subchapter.

16 **SECTION 2615h.** 111.815 (2) of the statutes is amended to read:

17 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
18 of the department shall establish a collective bargaining capability within the
19 department outside of the division of merit recruitment and selection and shall,
20 together with the appointing authorities or their representatives, represent the state
21 in its responsibility as an employer under this subchapter except with respect to
22 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
23 The secretary of the department shall establish and maintain, wherever practicable,
24 consistent employment relations policies and practices throughout the state service.

25 **SECTION 2615j.** 111.825 (2) (f) of the statutes is created to read:

1 111.825 (2) (f) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 under s. 118.40 (2r) (cm).

4 **SECTION 2615L.** 111.84 (2) (c) of the statutes is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
6 (1) with the duly authorized officer or agent of the employer which is the recognized
7 or certified exclusive collective bargaining representative of employees specified in
8 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
9 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
10 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
11 shall include, but not be limited to, the refusal to execute a collective bargaining
12 agreement previously orally agreed upon.

13 **SECTION 2615n.** 111.91 (4) of the statutes is amended to read:

14 111.91 (4) The secretary of the department, in connection with the development
15 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
16 shall endeavor to obtain tentative agreements with each recognized or certified labor
17 organization representing employees or supervisors of employees specified in s.
18 111.81 (7) (a) and with each certified labor organization representing employees
19 specified in s. 111.81 (7) (b) ~~or (e)~~ to (e) which do not contain any provision for the
20 payment to any employee of a cumulative or noncumulative amount of compensation
21 in recognition of or based on the period of time an employee has been employed by
22 the state.

23 **SECTION 2615p.** 111.92 (1) (a) of the statutes is amended to read:

24 111.92 (1) (a) Any tentative agreement reached between the department,
25 acting for the state, and any labor organization representing a collective bargaining

1 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
2 labor organization, be submitted by the department to the joint committee on
3 employment relations, which shall hold a public hearing before determining its
4 approval or disapproval. If the committee approves the tentative agreement, it shall
5 introduce in a bill or companion bills, to be put on the calendar or referred to the
6 appropriate scheduling committee of each house, that portion of the tentative
7 agreement which requires legislative action for implementation, such as salary and
8 wage adjustments, changes in fringe benefits, and any proposed amendments,
9 deletions or additions to existing law. Such bill or companion bills are not subject to
10 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
11 suitable portions of the tentative agreement to appropriate legislative committees
12 for advisory recommendations on the proposed terms. The committee shall
13 accompany the introduction of such proposed legislation with a message that informs
14 the legislature of the committee's concurrence with the matters under consideration
15 and which recommends the passage of such legislation without change. If the joint
16 committee on employment relations does not approve the tentative agreement, it
17 shall be returned to the parties for renegotiation. If the legislature does not adopt
18 without change that portion of the tentative agreement introduced by the joint
19 committee on employment relations, the tentative agreement shall be returned to
20 the parties for renegotiation.

21 **SECTION 2615r.** 111.92 (1) (c) of the statutes is created to read:

22 111.92 (1) (c) Any tentative agreement reached between the charter school
23 compensation board, acting for the state, and any labor organization representing
24 a collective bargaining unit specified in s. 111.825 (2) (f) shall, after official
25 ratification by the labor organization, be executed by the parties.

1 **SECTION 2615t.** 111.93 (2) of the statutes is amended to read:

2 111.93 (2) All civil service and other applicable statutes concerning wages,
3 fringe benefits, hours and conditions of employment apply to employees specified in
4 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
5 representative is recognized or certified and to employees specified in s. 111.81 (7)
6 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a
7 representative is certified.”

8 **13.** Page 920, line 19: after that line insert:

9 **“SECTION 2715p.** 118.40 (2r) (a) of the statutes is repealed and recreated to
10 read:

11 118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given
12 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

13 **SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b) 1.
14 (intro.) and amended to read:

15 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
16 ~~chancellor of the University of Wisconsin-Milwaukee and the Milwaukee area~~
17 ~~technical college district board~~ All of the following entities may establish by charter
18 and operate a charter school or, on behalf of their respective entities, may initiate a
19 contract with an individual or group to operate a school as a charter school;

20 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
21 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
22 to 14. and shall specify the effect of the establishment of the charter school on the
23 liability of the contracting entity under this paragraph. The contract may include
24 other provisions agreed to by the parties. The chancellor of the University of

1 Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may not establish
2 or enter into a contract for the establishment of a charter school under this
3 paragraph without the approval of the board of regents of the University of
4 Wisconsin System.

5 **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

6 118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.

7 b. The chancellor of the University of Wisconsin–Milwaukee.

8 c. The chancellor of the University of Wisconsin–Parkside.

9 d. The Milwaukee area technical college district board.

10 **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

11 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
12 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
13 district board may only establish or enter into a contract for the establishment of a
14 charter school located in the school district operating under ch. 119. The chancellor
15 of the University of Wisconsin–Parkside may only establish or enter into a contract
16 for the establishment of a charter school located in the Racine Unified School
17 District.

18 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,
19 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

20 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
21 ~~a contract for the establishment of a charter school located outside of the school~~
22 ~~district operating under ch. 119. A pupil residing within the school district operating~~
23 ~~under ch. 119 may attend a charter school established in the school district operating~~
24 under ch. 119 under this subsection only if one of the following applies:

25 **SECTION 2715ri.** 118.40 (2r) (c) 1. of the statutes is created to read:

1 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
2 school established under this subsection is located may attend the charter school.

3 **SECTION 2715rk.** 118.40 (2r) (c) 2. f. of the statutes is created to read:

4 118.40 (2r) (c) 2. f. In the previous school year, the pupil participated in the
5 interdistrict transfer program under s. 121.85 (2).

6 **SECTION 2715sk.** 118.40 (2r) (cm) of the statutes is created to read:

7 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
8 establish or enter into a contract for the establishment of only one charter school
9 under this subsection, which may not operate high school grades and which may not
10 accommodate more than 400 pupils.

11 **SECTION 2715sm.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e)
12 1. and amended to read:

13 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
14 department shall pay to the operator of the charter school an amount equal to the
15 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
16 school year and the amount of revenue increase per pupil allowed under subch. VII
17 of ch. 121 in the current school year, multiplied by the number of pupils attending
18 the charter school. The department shall pay 25% of the total amount in September,
19 25% in December, 25% in February, and 25% in June. The department shall send the
20 check to the operator of the charter school.

21 **SECTION 2715sn.** 118.40 (2r) (e) 2. of the statutes is created to read:

22 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
23 establishes or contracts for the establishment of a charter school under this
24 subsection, the department shall pay to the Racine Unified School District in March,
25 from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of

1 school aid per pupil to which the Racine Unified School District is eligible in the
2 current school year multiplied by the number of pupils attending the charter school
3 who were previously enrolled in the Racine Unified School District.

4 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

5 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
6 school located in the school district operating under ch. 119 that is converted to a
7 charter school is not an instrumentality of the any school district operating under ch.
8 119 and the no school board of that school district may not employ any personnel for
9 the charter school. If the chancellor of the University of Wisconsin-Parkside
10 establishes or contracts for the establishment of a charter school under sub. (2r), the
11 board of regents of the University of Wisconsin System shall employ all instructional
12 staff for the charter school.”

13 **14.** Page 925, line 10: after that line insert:

14 **SECTION 2762d.** 121.02 (1) (a) 2. of the statutes is amended to read:

15 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
16 in the school district hold a license or permit to teach issued by the department. The
17 state superintendent shall promulgate rules defining “instructional staff” for
18 purposes of this subdivision ~~and s. 118.40 (2r) (d) 1.”~~

19 **15.** Page 1004, line 9: after that line insert:

20 **SECTION 3047p.** 230.08 (2) (dm) of the statutes is created to read:

21 230.08 (2) (dm) Instructional staff employed by the board of regents of the
22 University of Wisconsin System who provide services for a charter school established
23 under s. 118.40 (2r) (cm).”.

24 **16.** Page 1006, line 13: after that line insert:

1 **"SECTION 3060p.** 230.10 (2) of the statutes is amended to read:

2 230.10 (2) The compensation plan in effect at the time that a representative
3 is recognized or certified to represent employees in a collective bargaining unit and
4 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
5 that a representative is certified to represent employees in a collective bargaining
6 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
7 and benefit provisions for employees in the collective bargaining unit until a
8 collective bargaining agreement becomes effective for that unit. If a collective
9 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
10 a subsequent agreement, and a representative continues to be recognized or certified
11 to represent employees specified in s. 111.81 (7) (a) or certified to represent
12 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,
13 the wage rates of the employees in such a unit shall be frozen until a subsequent
14 agreement becomes effective, and the compensation plan under s. 230.12 and salary
15 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
16 unit."

17 **17.** Page 1007, line 14: after that line insert:

18 **"SECTION 3078d.** 230.35 (1) (a) (intro.) of the statutes is amended to read:

19 230.35 (1) (a) (intro.) Except as provided in subs. (1m) and, (1r), and (1s),
20 appointing authorities shall grant to each person in their employ, except
21 limited-term employees, based on accumulated continuous state service, annual
22 leave of absence without loss of pay at the rate of:"

23 **18.** Page 1007, line 18: after that line insert:

24 **"SECTION 3079r.** 230.35 (1s) of the statutes is created to read:

1

230.35 (1s) Annual leave of absence without pay for instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established under s. 118.40 (2r) (cm) shall be determined by the charter school compensation board, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff.”.

2

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6

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/3dn
PG&MJL:kg&hh:jf

July 19, 2001

A Wisconsin court could find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for or outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

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Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2095/4dn
PG&MJL:kg&hh:rs

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Champagne, Rick

From: Burnett, Douglas
Sent: Thursday, July 19, 2001 8:01 PM
To: Champagne, Rick
Cc: Loppnow, Dave
Subject: 2095/4

Please redraft per these notes. Thanks.



Racine Charter 4th
draft notes...

2095/4

Issues:

1. Private Law Concern

Please alter the reference to Racine Unified to something like "a unified school district in either a county where the university is located or in an adjacent county that has a unified school district". When the bill describes providing funds to Racine Unified School District it could be changed to something like "a unified school district". However, it should still be restricted to only Racine—for instance, Kenosha should not be eligible.

2. Charter School Compensation Board

It looks like a new state board would be responsible for negotiating a contract. It is our preference that the local charter non-profit board do the negotiating. However, require that a nominee of the UW-Parkside chancellor be on the non-profit board.

3. JOCER Approval

Section 2615p seems to require that a negotiated contract needs to be approved by JOCER. Instead, the contract should be approved by the nonprofit board

4. Staff Limitation

Section 2715t, page 11 contains the language that requires the staff to be UW employees. This is where we need it to say "may". We want to change the draft back so that the state employee thing is optional, not mandatory.

5. Non Union Employee Compensation

Section 2615t on page 7 seems to have the wages, etc for the teachers if they decide not to have a union set by either DER or the UW. It is our preference that these would be set by the non-profit board.

It does not

No, applied statute

governing board

2095/4

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TC of Doug Burnett:
draft shd. specify
Racine Unified SD,
but also say it's
a "pilot"

Also, per Doug Burnett 7/20/01:

If UW-Parkside establishes its own charter school & does not contract ^{with private party} the employees are regular classified UW employees who will be under SELRA in current law units. It is only the UW employees who work at a charter school that has been established by ^{with a private party} contract who are unclassified & in their own new unit.