



State of Wisconsin
2001 - 2002 LEGISLATURE

NOW

LRBb2095/4
RAC/MJL/PG:kg:rs

EWJ

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

D-NOTE

LPG:
Inserts
are out
of order

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

2 1. Page 32, line 12: after that line insert:

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

4 ~~15.915 (4) CHARTER SCHOOL COMPENSATION BOARD. There is created a charter~~
5 ~~school compensation board attached to the University of Wisconsin System under s.~~
6 ~~15.03. The members shall be appointed by the board of regents for 3-year terms.~~
7 ~~The charter school compensation board does not have rule-making authority."~~

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

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

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

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

5 **8.** Page 427, line 23: after that line insert:

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

7 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
8 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
9 (55), and the staff of the environmental education board, and instructional staff
10 employed by the board of regents of the University of Wisconsin System who provide
11 services for a charter school established ^{by contract} under s. 118.40 (2r) (cm).”.

12 **9.** Page 515, line 23: after that line insert:

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

14 **36.11 (47) INSTRUCTIONAL STAFF ASSIGNED TO CHARTER SCHOOLS.** (a) The board
15 shall delegate to the charter school compensation board the board’s authority under
16 s. 20.923 (6) (m) with respect to instructional staff employed by the board of regents
17 who provide services for a charter school established under s. 118.40 (2r) (cm).

18 (b) If the chancellor of the University of Wisconsin–Parkside enters into a
19 contract for the establishment of a charter school under s. 118.40 (2r) (cm), the
20 contract shall include a provision that authorizes the operator of the charter school
21 to perform specified duties for the board with respect to employees of the board. This
22 authorization may include duties related to supervising employees, taking
23 disciplinary actions or recommending new hires or layoffs, collective bargaining,
24 claims, complaints, or benefits and records administration.”.

1 **10.** Page 519, line 12: after that line insert:

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

3 ~~**36.41 Charter school compensation board.** In addition to the authority~~
4 ~~delegated to the charter school compensation board under s. 36.11 (47) (a), the~~
5 ~~charter school compensation board shall establish and adjust all compensation and~~
6 ~~fringe benefits for instructional staff employed by the board of regents who provide~~
7 ~~services for a charter school established under s. 118.40 (2r) (cm), subject to the terms~~
8 ~~of any collective bargaining agreement under subch. V of ch. 111 covering the~~
9 ~~instructional staff.”.~~

10 **11.** Page 913, line 2: after that line insert:

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

12 ~~111.81 (7) (f) Instructional staff employed by the board of regents of the~~
13 ~~University of Wisconsin System who provide services for a charter school established~~
14 ~~under s. 118.40 (2r) (cm).~~ ^{by contract}

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

16 111.81 (9m) “Instructional staff” has the meaning given in rules promulgated
17 by the department of public instruction under s. 121.02 (1) (a) 2.

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

19 111.815 (1) In the furtherance of this subchapter, the state shall be considered
20 as a single employer and employment relations policies and practices throughout the
21 state service shall be as consistent as practicable. The department shall negotiate
22 and administer collective bargaining agreements. To coordinate the employer
23 position in the negotiation of agreements, the department shall maintain close
24 liaison with the legislature relative to the negotiation of agreements and the fiscal

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

*Insert
5-10*

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

13 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
 14 of the department shall establish a collective bargaining capability within the
 15 department outside of the division of merit recruitment and selection and shall,
 16 together with the appointing authorities or their representatives, represent the state
 17 in its responsibility as an employer under this subchapter except with respect to
 18 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
 19 The secretary of the department shall establish and maintain, wherever practicable,
 20 consistent employment relations policies and practices throughout the state service.

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

22 111.825 (2) (f) Instructional staff employed by the board of regents of the
 23 University of Wisconsin System who provide services for a charter school established
 24 *by contract*
 (under s. 118.40 (2r) (cm)) *E*

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

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

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

10 111.91 (4) The secretary of the department, in connection with the development
11 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
12 shall endeavor to obtain tentative agreements with each recognized or certified labor
13 organization representing employees or supervisors of employees specified in s.
14 111.81 (7) (a) and with each certified labor organization representing employees
15 specified in s. 111.81 (7) (b) ~~or (e)~~ to (e) which do not contain any provision for the
16 payment to any employee of a cumulative or noncumulative amount of compensation
17 in recognition of or based on the period of time an employee has been employed by
18 the state.

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

20 111.92 (1) (a) Any tentative agreement reached between the department,
21 acting for the state, and any labor organization representing a collective bargaining
22 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
23 labor organization, be submitted by the department to the joint committee on
24 employment relations, which shall hold a public hearing before determining its
25 approval or disapproval. If the committee approves the tentative agreement, it shall

established by contract under s. 118.40 (2r) (cm)

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

17 SECTION 2615r. 111.92 (1) (c) of the statutes is created to read:
18 111.92 (1) (c) Any tentative agreement reached between the charter school
19 ~~compensation board~~, acting for the state, and any labor organization representing
20 a collective bargaining unit specified in s. 111.825 (2) (f) shall, after official
21 ratification by the labor organization, be executed by the parties.

GOVERNING board of the

and approval by the Chancellor of the University of Wisconsin - Parkside

22 SECTION 2615t. 111.93 (2) of the statutes is amended to read:
23 111.93 (2) All civil service and other applicable statutes concerning wages,
24 fringe benefits, hours and conditions of employment apply to employees specified in
25 s. 111.81 (7) (a) who are not included in collective bargaining units for which a

1 representative is recognized or certified and to employees specified in s. 111.81 (7)
2 (b) ~~or (e) to (f)~~ who are not included in a collective bargaining unit for which a
3 representative is certified.”.

4 **12.** Page 920, line 19: after that line insert:

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

7 118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given
8 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

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

11 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
12 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~
13 ~~technical college district board~~ All of the following entities may establish by charter
14 and operate a charter school or, on behalf of their respective entities, may initiate a
15 contract with an individual or group to operate a school as a charter school:

16 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
17 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
18 to 14. and shall specify the effect of the establishment of the charter school on the
19 liability of the contracting entity under this paragraph. The contract may include
20 other provisions agreed to by the parties. The chancellor of the University of
21 Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may not establish
22 or enter into a contract for the establishment of a charter school under this
23 paragraph without the approval of the board of regents of the University of
24 Wisconsin System.

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

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

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

4 c. ^{On a pilot basis,} The chancellor of the University of Wisconsin–Parkside.

5 d. The Milwaukee area technical college district board.

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

7 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
8 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
9 district board may only establish or enter into a contract for the establishment of a
10 charter school located in the school district operating under ch. 119. The chancellor
11 of the University of Wisconsin–Parkside may only establish or enter into a contract
12 for the establishment of a charter school located in the Racine Unified School
13 District.

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

16 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
17 ~~a contract for the establishment of a charter school located outside of the school~~
18 ~~district operating under ch. 119. A pupil residing within the school district operating~~
19 ~~under ch. 119 may attend a charter school established in the school district operating~~
20 under ch. 119 under this subsection only if one of the following applies:

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

22 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
23 school established under this subsection is located may attend the charter school.

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

Handwritten notes: "INS. 9-5" with an arrow pointing to line 5.

Handwritten notes: "On a pilot basis" and "118.40 (2r) (b) 1. c." with a checkmark.

1 118.40 (2r) (c) 2. f. In the previous school year, the pupil participated in the
2 interdistrict transfer program under s. 121.85 (2).

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

4 118.40 (2r) (cm) ^{sk} The chancellor of the University of Wisconsin–Parkside may
5 establish or enter into a contract for the establishment of only one charter school
6 under this subsection, which may not operate high school grades and which may not
7 accommodate more than 400 pupils.

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

10 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
11 department shall pay to the operator of the charter school an amount equal to the
12 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
13 school year and the amount of revenue increase per pupil allowed under subch. VII
14 of ch. 121 in the current school year, multiplied by the number of pupils attending
15 the charter school. The department shall pay 25% of the total amount in September,
16 25% in December, 25% in February, and 25% in June. The department shall send the
17 check to the operator of the charter school.

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

19 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
20 establishes or contracts for the establishment of a charter school under this
21 subsection, ^{in March} the department shall pay to the Racine Unified School District ~~in March~~,
22 from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of
23 school aid per pupil to which the Racine Unified School District is eligible in the
24 current school year multiplied by the number of pupils attending the charter school
25 who were previously enrolled in the Racine Unified School District.

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

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

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

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

12 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
13 in the school district hold a license or permit to teach issued by the department. The
14 state superintendent shall promulgate rules defining "instructional staff" for
15 purposes of this subdivision ~~and s. 118.40 (2r) (d) 1."~~

16 **14.** Page 1004, line 9: after that line insert:

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

18 230.08 (2) (dm) Instructional staff employed by the board of regents of the
19 University of Wisconsin System who provide services for a charter school established
20 ^{by contract} under s. 118.40 (2r) (cm)." ~~§~~

21 **15.** Page 1006, line 13: after that line insert:

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

23 230.10 (2) The compensation plan in effect at the time that a representative
24 is recognized or certified to represent employees in a collective bargaining unit and

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

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

15 “SECTION 3078d. 230.35 (1) (a) (intro.) of the statutes is amended to read:

16 230.35 (1) (a) (intro.) Except as provided in subs. (1m) ~~and~~, (1r), and (1s),
17 appointing authorities shall grant to each person in their employ, except
18 limited-term employees, based on accumulated continuous state service, annual
19 leave of absence without loss of pay at the rate of:”

20 **17.** Page 1007, line 18: after that line insert:

21 “SECTION 3079r. 230.35 (1s) of the statutes is created to read:

22 230.35 (1s) Annual leave of absence with pay for instructional staff employed
23 by the board of regents of the University of Wisconsin System who provide services
24 for a charter school established ^{by contract} under s. 118.40 (2r) (cm) ~~shall~~ be determined by the

as approved by the chancellor of
the University of Wisconsin-Parkside
and

1 charter school compensation board, subject to the terms of any collective bargaining
2 agreement under subch. V of ch. 111 covering the instructional staff.”

3 (END)

governing
board of
the

established by contract
under S. 118.40 (2r) (CCM) ~~§~~
as

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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July 19, 2001

INSERT DN Items 1. + 2.

3. Although this draft ^{declares} establish ^{or declares} a contract ^{contract} for the UW-Parkside may ^{establishment of} a charter school "on a pilot basis,"
^{nevertheless} ~~it~~ ^{proposal} Wisconsin court could find that this ~~amendment~~ ^{proposal} 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~~ ^{proposal} 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~~ ^{proposal}, the committee may wish to consider introducing ~~this proposal~~ ^{it} 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

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2095/5ins
RAC::

Insert D-Note:

1. Per Doug Burnett's modified instructions, this version of the draft will authorize the governing board of the charter school to establish and adjust the compensation and fringe benefits of state employees who are instructional staff at the charter school, but only with the approval of the chancellor of the University of Wisconsin-Parkside. Also, this version of the draft will authorize the governing board to negotiate the collective bargaining agreement, but will require that the chancellor of the University of Wisconsin-Parkside also approve the contract. Please note that if the charter school hires instructional staff who are not state employees, then the chancellor of the University of Wisconsin-Parkside will in no way be involved in the establishment and adjustment of instructional staff compensation and fringe benefits.

2. Please note that the draft does not require JCOER approval of the contract. See ^(CS)SECTION 2615r. ^(CS)SECTION 2615p specifically exempts this contract from JCOER approval.

Insert 5-10:

governing board of the charter school established by contract under s. 118.40

(2r) (cm) ~~|||~~

~~Insert 10-11~~

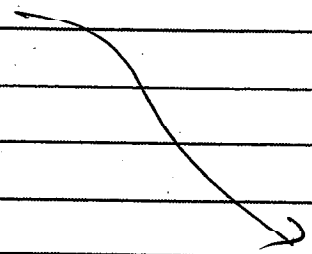
~~2. If the chancellor of the University of Wisconsin-Parkside enters into a contract for the establishment of a charter school under subd. 1 and if the contract provides that the instructional staff of the charter school shall consist of employees of~~

9-5-11

118.40 (2r)(b) 3.
SEC. 2715 GL. CR. 118.45 (2r)(b) 3.
= SECTION 2

118.45 (2r)(b) 3. If the chancellor of the University of Wisconsin - Parkside contracts for the establishment of a charter school, the contract shall also provide that the charter school ^{school} must be ~~governed~~ operated by a governing board ^{and} ~~has~~ ^{must} that the chancellor ^{or} his ^{or} her designee be a member of the governing board. In addition, if the contract provides ~~that~~ that the instructional staff of the charter school shall consist of employees of

✓
✓



the board of regents of the University of Wisconsin System, the contract shall also include provisions that do all of the following:

a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation and fringe benefits of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation and fringe benefits of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.

b. Authorize^e the governing board of the charter school to perform specified duties for the board of regents with respect to the instructional staff. This authorization may include duties related to supervising the instructional staff, taking disciplinary actions ~~@~~ recommending new hires or layoffs, collective bargaining, claims, complaints, or benefits and records administration.

with respect to
the instructional
staff;

KG/RAC

DRAFTER'S NOTE
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LEGISLATIVE REFERENCE BUREAU

LRBb2095/5dn
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July 20, 2001

1. Per Doug Burnett's modified instructions, this version of the draft will authorize the governing board of the charter school to establish and adjust the compensation and fringe benefits of state employees who are instructional staff at the charter school, but only with the approval of the chancellor of the University of Wisconsin-Parkside. Also, this version of the draft will authorize the governing board to negotiate the collective bargaining agreement, but will require that the chancellor of the University of Wisconsin-Parkside also approve the contract. Please note that, if the charter school hires instructional staff who are not state employees, then the chancellor of the University of Wisconsin-Parkside will in no way be involved in the establishment and adjustment of instructional staff compensation and fringe benefits.
2. Please note that the draft does not require JCOER approval of the contract. See SECTION 2615r. SECTION 2615p specifically exempts this contract from JCOER approval.
3. Although this draft declares that the UW-Parkside may establish or contract for the establishment of a charter school "on a pilot basis," a Wisconsin court could nevertheless find that this proposal 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 proposal 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 proposal, the committee may wish to consider introducing it 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

DRAFTER'S NOTE
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LEGISLATIVE REFERENCE BUREAU

LRBb2095/5dn
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July 20, 2001

1. Per Doug Burnett's modified instructions, this version of the draft will authorize the governing board of the charter school to establish and adjust the compensation and fringe benefits of state employees who are instructional staff at the charter school, but only with the approval of the chancellor of the University of Wisconsin-Parkside. Also, this version of the draft will authorize the governing board to negotiate the collective bargaining agreement, but will require that the chancellor of the University of Wisconsin-Parkside also approve the contract. Please note that, if the charter school hires instructional staff who are not state employees, then the chancellor of the University of Wisconsin-Parkside will in no way be involved in the establishment and adjustment of instructional staff compensation and fringe benefits.
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E-mail: peter.grant@legis.state.wi.us

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Legislative Attorney
Phone: (608) 267-7380

Ray Conroy 258 - 4778

(1) add decl. of policy - it is
desire of leg. to enable UW to change
a school to assess the ability ~~to~~ to
enhance std performance.

(2) keep it a "pilot"

(3) located in a unit sch. dist
in ~~the~~ county where UW Plsile is
located w adjacent county

re of Doug Burnett ~~the~~ 7/21

→ ① do it for the 3 counties

② delete p. 9 l. 21-23

③ add historical report

④ add statement of rationale for the

3 counties



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2095/5
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PP-9, 10, 12

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

§cs

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 ~~Region~~ 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 427, line 23: after that line insert:

1 **SECTION 9931.** 20.923 (6) (m) of the statutes is amended to read:

2 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
3 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
4 (55), and the staff of the environmental education board, and instructional staff
5 employed by the board of regents of the University of Wisconsin System who provide
6 services for a charter school established by contract under s. 118.40 (2r) (cm).”.

7 **8.** Page 913, line 2: after that line insert:

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

9 111.81 (7) (f) Instructional staff employed by the board of regents of the
10 University of Wisconsin System who provide services for a charter school established
11 by contract under s. 118.40 (2r) (cm).

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

16 111.815 (1) In the furtherance of this subchapter, the state shall be considered
17 as a single employer and employment relations policies and practices throughout the
18 state service shall be as consistent as practicable. The department shall negotiate
19 and administer collective bargaining agreements. To coordinate the employer
20 position in the negotiation of agreements, the department shall maintain close
21 liaison with the legislature relative to the negotiation of agreements and the fiscal
22 ramifications thereof. Except with respect to the collective bargaining units
23 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer
24 functions of the executive branch under this subchapter, and shall coordinate its

1 collective bargaining activities with operating state agencies on matters of agency
2 concern. The legislative branch shall act upon those portions of tentative
3 agreements negotiated by the department which require legislative action. With
4 respect to the collective bargaining units specified in s. 111.825 (1m), the University
5 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
6 under this subchapter. With respect to the collective bargaining unit specified in s.
7 111.825 (2) (f), the governing board of the charter school established by contract
8 under s. 118.40 (2r) (cm) 1. is responsible for the employer functions under this
9 subchapter.

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

11 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
12 of the department shall establish a collective bargaining capability within the
13 department outside of the division of merit recruitment and selection and shall,
14 together with the appointing authorities or their representatives, represent the state
15 in its responsibility as an employer under this subchapter except with respect to
16 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
17 The secretary of the department shall establish and maintain, wherever practicable,
18 consistent employment relations policies and practices throughout the state service.

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

20 111.825 (2) (f) Instructional staff employed by the board of regents of the
21 University of Wisconsin System who provide services for a charter school established
22 by contract under s. 118.40 (2r) (cm).

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

24 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
25 (1) with the duly authorized officer or agent of the employer which is the recognized

1 or certified exclusive collective bargaining representative of employees specified in
2 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
3 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
4 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
5 shall include, but not be limited to, the refusal to execute a collective bargaining
6 agreement previously orally agreed upon.

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

8 111.91 (4) The secretary of the department, in connection with the development
9 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
10 shall endeavor to obtain tentative agreements with each recognized or certified labor
11 organization representing employees or supervisors of employees specified in s.
12 111.81 (7) (a) and with each certified labor organization representing employees
13 specified in s. 111.81 (7) (b) ~~or (e)~~ to (e) which do not contain any provision for the
14 payment to any employee of a cumulative or noncumulative amount of compensation
15 in recognition of or based on the period of time an employee has been employed by
16 the state.

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

18 111.92 (1) (a) Any tentative agreement reached between the department,
19 acting for the state, and any labor organization representing a collective bargaining
20 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
21 labor organization, be submitted by the department to the joint committee on
22 employment relations, which shall hold a public hearing before determining its
23 approval or disapproval. If the committee approves the tentative agreement, it shall
24 introduce in a bill or companion bills, to be put on the calendar or referred to the
25 appropriate scheduling committee of each house, that portion of the tentative

1 agreement which requires legislative action for implementation, such as salary and
2 wage adjustments, changes in fringe benefits, and any proposed amendments,
3 deletions or additions to existing law. Such bill or companion bills are not subject to
4 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
5 suitable portions of the tentative agreement to appropriate legislative committees
6 for advisory recommendations on the proposed terms. The committee shall
7 accompany the introduction of such proposed legislation with a message that informs
8 the legislature of the committee's concurrence with the matters under consideration
9 and which recommends the passage of such legislation without change. If the joint
10 committee on employment relations does not approve the tentative agreement, it
11 shall be returned to the parties for renegotiation. If the legislature does not adopt
12 without change that portion of the tentative agreement introduced by the joint
13 committee on employment relations, the tentative agreement shall be returned to
14 the parties for renegotiation.

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

16 111.92 (1) (c) Any tentative agreement reached between the governing board
17 of the charter school established by contract under s. 118.40 (2r) (cm), acting for the
18 state, and any labor organization representing a collective bargaining unit specified
19 in s. 111.825 (2) (f) shall, after official ratification by the labor organization and
20 approval by the chancellor of the University of Wisconsin–Parkside, be executed by
21 the parties.

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

23 111.93 (2) All civil service and other applicable statutes concerning wages,
24 fringe benefits, hours and conditions of employment apply to employees specified in
25 s. 111.81 (7) (a) who are not included in collective bargaining units for which a

1 representative is recognized or certified and to employees specified in s. 111.81 (7)
2 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a
3 representative is certified.”.

4 **9.** Page 920, line 19: after that line insert:

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

7 118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given
8 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

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

11 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
12 ~~chancellor of the University of Wisconsin-Milwaukee and the Milwaukee area~~
13 ~~technical college district board~~ All of the following entities may establish by charter
14 and operate a charter school or, on behalf of their respective entities, may initiate a
15 contract with an individual or group to operate a school as a charter school;

16 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
17 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
18 to 14. and shall specify the effect of the establishment of the charter school on the
19 liability of the contracting entity under this paragraph. The contract may include
20 other provisions agreed to by the parties. The chancellor of the University of
21 Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish
22 or enter into a contract for the establishment of a charter school under this
23 paragraph without the approval of the board of regents of the University of
24 Wisconsin System.

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

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

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

4 c. On a pilot basis, the chancellor of the University of Wisconsin–Parkside.

5 d. The Milwaukee area technical college district board.

6 **SECTION 2715qL.** 118.40 (2r) (b) 3. of the statutes is created to read:

7 118.40 (2r) (b) 3. If the chancellor of the University of Wisconsin–Parkside
8 contracts for the establishment of a charter school, the contract shall also provide
9 that the charter school must be operated by a governing board and that the
10 chancellor or his or her designee must be a member of the governing board. In
11 addition, if the contract provides that the instructional staff of the charter school
12 shall consist of employees of the board of regents of the University of Wisconsin
13 System, the contract shall also include provisions that do all of the following:

14 a. Delegate to the governing board of the charter school the board of regents'
15 authority to establish and adjust all compensation and fringe benefits of
16 instructional staff, subject to the terms of any collective bargaining agreement under
17 subch. V of ch. 111 that covers the instructional staff. In the absence of a collective
18 bargaining agreement, the governing board may establish and adjust all
19 compensation and fringe benefits of the instructional staff only with the approval of
20 the chancellor of the University of Wisconsin–Parkside.

21 b. Authorize the governing board of the charter school to perform specified
22 duties for the board of regents with respect to the instructional staff. This
23 authorization may include duties related to supervising the instructional staff,
24 taking disciplinary actions with respect to the instructional staff, recommending

1 new hires or layoffs, collective bargaining, claims, complaints, or benefits and
2 records administration.

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

4 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
5 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college
6 district board may only establish or enter into a contract for the establishment of a
7 charter school located in the school district operating under ch. 119. The chancellor
8 of the University of Wisconsin-Parkside may only establish or enter into a contract

9 for the establishment of a charter school located in ~~the Parkside~~ Unified School
10 District. *that is located in the county in which the University of Wisconsin ^{Parkside} is situated or in an adjacent county*

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

13 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
14 ~~a contract for the establishment of a charter school located outside of the school~~
15 ~~district operating under ch. 119. A pupil residing within the school district operating~~
16 ~~under ch. 119 may attend a charter school established in the school district operating~~
17 ~~under ch. 119 under this subsection only if one of the following applies:~~

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

19 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
20 school established under this subsection is located may attend the charter school.

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

22 118.40 (2r) (c) 2. f. ~~In the previous school year, the pupil participated in the~~
23 ~~interdistrict transfer program under s. 121.85 (2).~~

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

1 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may
2 establish or enter into a contract for the establishment of only one charter school
3 under this subsection, which may not operate high school grades and which may not
4 accommodate more than 400 pupils.

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

7 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
8 department shall pay to the operator of the charter school an amount equal to the
9 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
10 school year and the amount of revenue increase per pupil allowed under subch. VII
11 of ch. 121 in the current school year, multiplied by the number of pupils attending
12 the charter school. The department shall pay 25% of the total amount in September,
13 25% in December, 25% in February, and 25% in June. The department shall send the
14 check to the operator of the charter school.

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

16 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin-Parkside
17 establishes or contracts for the establishment of a charter school under this
18 subsection, in March the department shall pay to the ~~Waukegan~~ Unified School District,
19 from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of
20 school aid per pupil to which the ~~Waukegan~~ Unified School District is eligible in the
21 current school year multiplied by the number of pupils attending the charter school
22 who were previously enrolled in the ~~Waukegan~~ Unified School District.

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

24 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
25 school located in the school district operating under ch. 119 that is converted to a

in which the
charter school is located

INS.
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1 charter school is not an instrumentality of the any school district operating under ch.
2 119 and the no school board of ~~that school district~~ may ~~not~~ employ any personnel for
3 the charter school. If the chancellor of the University of Wisconsin-Parkside
4 contracts for the establishment of a charter school under sub. (2r), the board of
5 regents of the University of Wisconsin System may employ instructional staff for the
6 charter school."

7 **10.** Page 925, line 10: after that line insert:

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

9 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
10 in the school district hold a license or permit to teach issued by the department. The
11 state superintendent shall promulgate rules defining "instructional staff" for
12 purposes of this subdivision and ~~s. 118.40 (2r) (d) 1.~~"

13 **11.** Page 1004, line 9: after that line insert:

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

15 230.08 (2) (dm) Instructional staff employed by the board of regents of the
16 University of Wisconsin System who provide services for a charter school established
17 by contract under s. 118.40 (2r) (cm)."

18 **12.** Page 1006, line 13: after that line insert:

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

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

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

11 **13.** Page 1007, line 14: after that line insert:

12 “SECTION 3078d. 230.35 (1) (a) (intro.) of the statutes is amended to read:

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

17 **14.** Page 1007, line 18: after that line insert:

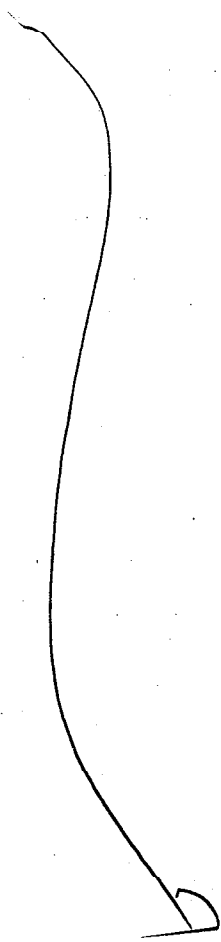
18 “SECTION 3079r. 230.35 (1s) of the statutes is created to read:

19 230.35 (1s) Annual leave of absence with pay for instructional staff employed
20 by the board of regents of the University of Wisconsin System who provide services
21 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
22 determined by the governing board of the charter school established by contract
23 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of

1 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement
2 under subch. V of ch. 111 covering the instructional staff.”

3

~~(END)~~



3E

page 1378, line 9: after that line insert.

(a) UNIVERSITY OF WISCONSIN - PARKSIDE CHARTER SCHOOL.

~~In making the changes to section 118.40 (2r) of the statute, the legislature finds that~~
chancellor of the

(a) This act authorizes the University of Wisconsin - Parkside to establish

to operate or to contract for the operation of a charter school

in a ^{sparsely} populated school district ~~that~~ in close proximity to the campus.

The legislature finds that these limitations will better enable the university to assess the ability of the charter school to ^{improve} the academic performance of pupils.

The legislature finds that improving the academic performance of pupils in this state is a state responsibility of statewide dimension and that authorizing the University of Wisconsin - Parkside

to operate or to contract for the operation of a charter school in a sparsely populated school district that is located in close proximity to the campus.

The legislature finds that these limitations will better enable the university to assess the ability of the charter school to improve the academic performance of pupils.

The legislature finds that improving the academic performance of pupils in this state is a state responsibility of statewide dimension and that authorizing the University of Wisconsin - Parkside

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¶ SEC. 2915 SP. CR.; 118.40 (2r) (f)

✓ (B)

¶ 118.40 (2r) (f) If the chancellor of the University of

Wisconsin - Parkside establishes or contracts for
the establishment of a charter school under

this subsection, biennially the chancellor
shall submit report legislature
shall submit a report to the legislature

under § 13.172 (2). The report shall
Report shall

~~include~~ ~~information~~ ~~on~~ ~~the~~ ~~state~~ ~~of~~ ~~the~~
~~charter~~ ~~school~~ ~~and~~ ~~shall~~ ~~include~~

include
academic performance
information on the academic performance
of the pupils
of the pupils who attend the charter
school

and ~~the~~ on the success of the
governance structure
governance structure
structure of the charter school.

NOTATION

to ~~operate or~~ establish or to contract
establishment charter school
for the establishment of a charter school
as described in paragraph (a)
as described in paragraph (a) will have a
direct
direct and immediate ~~impact~~ effect ~~on~~
a specific statewide or that statewide
concern
concern. //.

(end)

Barman, Mike

From: Barman, Mike

Sent: Sunday, July 22, 2001 3:18 PM

To: Burnett, Douglas

Subject: LRBb2095/6 (attached)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb2095/6
RAC/MJL/PG:kg/wlj/cs:ch

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 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 427, line 23: after that line insert:

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

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

7 **8.** Page 913, line 2: after that line insert:

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

9 111.81 (7) (f) Instructional staff employed by the board of regents of the
10 University of Wisconsin System who provide services for a charter school established
11 by contract under s. 118.40 (2r) (cm).

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

16 111.815 (1) In the furtherance of this subchapter, the state shall be considered
17 as a single employer and employment relations policies and practices throughout the
18 state service shall be as consistent as practicable. The department shall negotiate
19 and administer collective bargaining agreements. To coordinate the employer
20 position in the negotiation of agreements, the department shall maintain close
21 liaison with the legislature relative to the negotiation of agreements and the fiscal
22 ramifications thereof. Except with respect to the collective bargaining units
23 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer
24 functions of the executive branch under this subchapter, and shall coordinate its

1 collective bargaining activities with operating state agencies on matters of agency
2 concern. The legislative branch shall act upon those portions of tentative
3 agreements negotiated by the department which require legislative action. With
4 respect to the collective bargaining units specified in s. 111.825 (1m), the University
5 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
6 under this subchapter. With respect to the collective bargaining unit specified in s.
7 111.825 (2) (f), the governing board of the charter school established by contract
8 under s. 118.40 (2r) (cm) 1. is responsible for the employer functions under this
9 subchapter.

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

11 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
12 of the department shall establish a collective bargaining capability within the
13 department outside of the division of merit recruitment and selection and shall,
14 together with the appointing authorities or their representatives, represent the state
15 in its responsibility as an employer under this subchapter except with respect to
16 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
17 The secretary of the department shall establish and maintain, wherever practicable,
18 consistent employment relations policies and practices throughout the state service.

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

20 111.825 (2) (f) Instructional staff employed by the board of regents of the
21 University of Wisconsin System who provide services for a charter school established
22 by contract under s. 118.40 (2r) (cm).

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

24 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
25 (1) with the duly authorized officer or agent of the employer which is the recognized

1 or certified exclusive collective bargaining representative of employees specified in
2 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
3 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
4 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
5 shall include, but not be limited to, the refusal to execute a collective bargaining
6 agreement previously orally agreed upon.

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

8 111.91 (4) The secretary of the department, in connection with the development
9 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
10 shall endeavor to obtain tentative agreements with each recognized or certified labor
11 organization representing employees or supervisors of employees specified in s.
12 111.81 (7) (a) and with each certified labor organization representing employees
13 specified in s. 111.81 (7) (b) ~~or (e)~~ to (e) which do not contain any provision for the
14 payment to any employee of a cumulative or noncumulative amount of compensation
15 in recognition of or based on the period of time an employee has been employed by
16 the state.

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

18 111.92 (1) (a) Any tentative agreement reached between the department,
19 acting for the state, and any labor organization representing a collective bargaining
20 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
21 labor organization, be submitted by the department to the joint committee on
22 employment relations, which shall hold a public hearing before determining its
23 approval or disapproval. If the committee approves the tentative agreement, it shall
24 introduce in a bill or companion bills, to be put on the calendar or referred to the
25 appropriate scheduling committee of each house, that portion of the tentative

1 agreement which requires legislative action for implementation, such as salary and
2 wage adjustments, changes in fringe benefits, and any proposed amendments,
3 deletions or additions to existing law. Such bill or companion bills are not subject to
4 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
5 suitable portions of the tentative agreement to appropriate legislative committees
6 for advisory recommendations on the proposed terms. The committee shall
7 accompany the introduction of such proposed legislation with a message that informs
8 the legislature of the committee's concurrence with the matters under consideration
9 and which recommends the passage of such legislation without change. If the joint
10 committee on employment relations does not approve the tentative agreement, it
11 shall be returned to the parties for renegotiation. If the legislature does not adopt
12 without change that portion of the tentative agreement introduced by the joint
13 committee on employment relations, the tentative agreement shall be returned to
14 the parties for renegotiation.

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

16 111.92 (1) (c) Any tentative agreement reached between the governing board
17 of the charter school established by contract under s. 118.40 (2r) (cm), acting for the
18 state, and any labor organization representing a collective bargaining unit specified
19 in s. 111.825 (2) (f) shall, after official ratification by the labor organization and
20 approval by the chancellor of the University of Wisconsin–Parkside, be executed by
21 the parties.

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

23 111.93 (2) All civil service and other applicable statutes concerning wages,
24 fringe benefits, hours and conditions of employment apply to employees specified in
25 s. 111.81 (7) (a) who are not included in collective bargaining units for which a

1 representative is recognized or certified and to employees specified in s. 111.81 (7)
2 (b) ~~or (e) to (f)~~ who are not included in a collective bargaining unit for which a
3 representative is certified.”

4 **9.** Page 920, line 19: after that line insert:

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

7 118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given
8 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

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

11 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
12 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~
13 ~~technical college district board~~ All of the following entities may establish by charter
14 and operate a charter school or, on behalf of their respective entities, may initiate a
15 contract with an individual or group to operate a school as a charter school.:

16 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
17 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
18 to 14. and shall specify the effect of the establishment of the charter school on the
19 liability of the contracting entity under this paragraph. The contract may include
20 other provisions agreed to by the parties. The chancellor of the University of
21 Wisconsin–Milwaukee or of ~~the University of Wisconsin–Parkside~~ may not establish
22 or enter into a contract for the establishment of a charter school under this
23 paragraph without the approval of the board of regents of the University of
24 Wisconsin System.

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

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

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

4 c. On a pilot basis, the chancellor of the University of Wisconsin–Parkside.

5 d. The Milwaukee area technical college district board.

6 **SECTION 2715qL.** 118.40 (2r) (b) 3. of the statutes is created to read:

7 118.40 (2r) (b) 3. If the chancellor of the University of Wisconsin–Parkside
8 contracts for the establishment of a charter school, the contract shall also provide
9 that the charter school must be operated by a governing board and that the
10 chancellor or his or her designee must be a member of the governing board. In
11 addition, if the contract provides that the instructional staff of the charter school
12 shall consist of employees of the board of regents of the University of Wisconsin
13 System, the contract shall also include provisions that do all of the following:

14 a. Delegate to the governing board of the charter school the board of regents'
15 authority to establish and adjust all compensation and fringe benefits of
16 instructional staff, subject to the terms of any collective bargaining agreement under
17 subch. V of ch. 111 that covers the instructional staff. In the absence of a collective
18 bargaining agreement, the governing board may establish and adjust all
19 compensation and fringe benefits of the instructional staff only with the approval of
20 the chancellor of the University of Wisconsin–Parkside.

21 b. Authorize the governing board of the charter school to perform specified
22 duties for the board of regents with respect to the instructional staff. This
23 authorization may include duties related to supervising the instructional staff,
24 taking disciplinary actions with respect to the instructional staff, recommending

1 new hires or layoffs, collective bargaining, claims, complaints, or benefits and
2 records administration.

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

4 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
5 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
6 district board may only establish or enter into a contract for the establishment of a
7 charter school located in the school district operating under ch. 119. The chancellor
8 of the University of Wisconsin–Parkside may only establish or enter into a contract
9 for the establishment of a charter school located in a unified school district that is
10 located in the county in which the University of Wisconsin–Parkside is situated or
11 in an adjacent county.

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

14 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
15 ~~a contract for the establishment of a charter school located outside of the school~~
16 ~~district operating under ch. 119.~~ A pupil residing within the school district operating
17 ~~under ch. 119~~ may attend a charter school established in the school district operating
18 under ch. 119 under this subsection only if one of the following applies:

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

20 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
21 school established under this subsection is located may attend the charter school.

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

23 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
24 establish or enter into a contract for the establishment of only one charter school

1 under this subsection, which may not operate high school grades and which may not
2 accommodate more than 400 pupils.

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

5 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
6 department shall pay to the operator of the charter school an amount equal to the
7 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
8 school year and the amount of revenue increase per pupil allowed under subch. VII
9 of ch. 121 in the current school year, multiplied by the number of pupils attending
10 the charter school. The department shall pay 25% of the total amount in September,
11 25% in December, 25% in February, and 25% in June. The department shall send the
12 check to the operator of the charter school.

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

14 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
15 establishes or contracts for the establishment of a charter school under this
16 subsection, in March the department shall pay to the unified school district in which
17 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an
18 amount equal to the amount of school aid per pupil to which the unified school district
19 is eligible in the current school year multiplied by the number of pupils attending the
20 charter school who were previously enrolled in the unified school district.

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

22 118.40 (2r) (f) If the chancellor of the University of Wisconsin–Parkside
23 establishes or contracts for the establishment of a charter school under this
24 subsection, biennially the chancellor shall submit a report to the legislature under
25 s. 13.172 (2). The report shall include information on the academic performance of

1 the pupils who attend the charter school and on the success of the governance
2 structure of the charter school.

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

4 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
5 school located in the school district operating under ch. 119 that is converted to a
6 charter school is not an instrumentality of ~~the~~ any school district ~~operating under ch.~~
7 ~~119 and the~~ no school board of ~~that school district~~ may not employ any personnel for
8 the charter school. If the chancellor of the University of Wisconsin–Parkside
9 contracts for the establishment of a charter school under sub. (2r), the board of
10 regents of the University of Wisconsin System may employ instructional staff for the
11 charter school.”.

12 **10.** Page 925, line 10: after that line insert:

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

14 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
15 in the school district hold a license or permit to teach issued by the department. The
16 state superintendent shall promulgate rules defining “instructional staff” for
17 purposes of this subdivision and s. 118.40 (2r) (d) 1.”.

18 **11.** Page 1004, line 9: after that line insert:

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

20 230.08 (2) (dm) Instructional staff employed by the board of regents of the
21 University of Wisconsin System who provide services for a charter school established
22 by contract under s. 118.40 (2r) (cm).”.

23 **12.** Page 1006, line 13: after that line insert:

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

1 230.10 (2) The compensation plan in effect at the time that a representative
2 is recognized or certified to represent employees in a collective bargaining unit and
3 the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time
4 that a representative is certified to represent employees in a collective bargaining
5 unit under subch. V of ch. 111 constitute the compensation plan or employee salary
6 and benefit provisions for employees in the collective bargaining unit until a
7 collective bargaining agreement becomes effective for that unit. If a collective
8 bargaining agreement under subch. V of ch. 111 expires prior to the effective date of
9 a subsequent agreement, and a representative continues to be recognized or certified
10 to represent employees specified in s. 111.81 (7) (a) or certified to represent
11 employees specified in s. 111.81 (7) (b) ~~or (e)~~ to (f) in that collective bargaining unit,
12 the wage rates of the employees in such a unit shall be frozen until a subsequent
13 agreement becomes effective, and the compensation plan under s. 230.12 and salary
14 and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the
15 unit.”.

16 **13.** Page 1007, line 14: after that line insert:

17 “SECTION 3078d. 230.35 (1) (a) (intro.) of the statutes is amended to read:

18 230.35 (1) (a) (intro.) Except as provided in subs. (1m) ~~and~~, (1r), and (1s),
19 appointing authorities shall grant to each person in their employ, except
20 limited-term employees, based on accumulated continuous state service, annual
21 leave of absence without loss of pay at the rate of:”.

22 **14.** Page 1007, line 18: after that line insert:

23 “SECTION 3079r. 230.35 (1s) of the statutes is created to read:

1 230.35 (1s) Annual leave of absence with pay for instructional staff employed
2 by the board of regents of the University of Wisconsin System who provide services
3 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
4 determined by the governing board of the charter school established by contract
5 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
6 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement
7 under subch. V of ch. 111 covering the instructional staff.”.

8 **15.** Page 1378, line 9: after that line insert:

9 “(3t) UNIVERSITY OF WISCONSIN–PARKSIDE; CHARTER SHCOOL.

10 (a) This act authorizes the chancellor of the University of Wisconsin–Parkside
11 to establish or to contract for the establishment of a charter school, but only in a
12 populous school district that is located in close proximity to the campus. The
13 legislature finds that these limitations will better enable the university to assess the
14 ability of the charter school to improve the academic performance of pupils.

15 (b) The legislature finds that improving the academic performance of pupils in
16 this state is a state responsibility of statewide dimension and that authorizing the
17 University of Wisconsin–Parkside to establish or to contract for the establishment
18 of a charter school as described in paragraph (a) will have a direct and immediate
19 effect on that statewide concern.”.

20

(END)