

**2003 DRAFTING REQUEST**

**Bill**

Received: **03/25/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 264-6970**

By/Representing: **Steve Knudson**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - charter schools  
Education - MPS**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Independent charter schools; eligibility to attend and transportation

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**Instructions:**

See Attached

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**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>
/?	pgrant 03/26/2003	kgilfoy 03/26/2003		_____			S&L
/P1	pgrant 04/04/2003	kgilfoy 04/04/2003	pgreensl 03/27/2003	_____	mbarman 03/27/2003		S&L
/1			rschluet	_____	lemery	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			04/04/2003	_____	04/04/2003	04/07/2003	
				_____		sbasford	
				_____		04/07/2003	

FE Sent For:

<END>

↪ At  
Intro.

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/?	pgrant 03/26/2003	kgilfoy 03/26/2003					S&L
/P1		11-4/4 Kmg	pgreensl 03/27/2003		mbarman 03/27/2003		

Handwritten initials and numbers: 4-4-3, PB

FE Sent For: "

<END>

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1?	pgrant	1/pt - 3/26 Kmg	3/27 PS	3/27 PS/MJS			

FE Sent For:

<END>

**Grant, Peter**

---

**From:** Knudson, Steve  
**Sent:** Tuesday, March 25, 2003 3:48 PM  
**To:** Grant, Peter  
**Subject:** Drafting Request - Rep. Jensen's Office

Good Afternoon Peter,

This is a drafting request relating to charter schools in Milwaukee under s. 118.40(2r). Representative Jensen requests a bill be drafted that accomplishes the following:

1. Repeal and recreate s. 118.40 (2r)(c)1 and s. 118.40 (2r)(c)1 regarding attendance at "2r" charter schools in Milwaukee.
  - Allow all pupils in Milwaukee to attend a 2r charter school on a tuition-free basis.
  - Allow pupils not <sup>free</sup> residing in Milwaukee to attend a 2r charter school either on a tuition basis or under the Open Enrollment program.
1. Amend the statutes to require the Milwaukee Public Schools to provide transportation services to Milwaukee students attending 2r charter schools in the same manner that MPS transports students attending other schools.
2. Amend the statutes to provide MPS state transportation aid for 2r charter students that it transports.

If you have any questions, please feel free to contact me.

Thanks in advance for your help.

**Steve Knudson**  
Clerk, Assembly Committee on Education Reform  
Office of State Representative Scott Jensen  
Room 123 West, PO Box 8952  
State Capitol  
Madison, Wisconsin 53708-8952  
Phone: (608) 264-6970  
Fax: (608) 282-3698

*Long Miller Mueller  
414-475-8214  
out 3/25/03*

BILL

DN

PG : King :

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] *independent* to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to: *charter schools located in a 1st class city school district.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

An analysis will be provided on a later version.

FE-SL

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

SECTION #.

Section #. 118.40 (2r) (c) 1. of the statutes is amended to read:

118.40 (2r) (c) 1. ~~Only~~ Except as provided in subd. 2., only pupils who reside in the school district in which a charter school established under this subsection is located may attend the charter school.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105.



(2r)  
SEC. #. RC. 118.40 (2r)(c) 2.

2  
118.40 (2r)(c) 2. A pupil may attend a

charter school established in the school district  
operating under ch. 119. under this subsection

who resides outside the school  
district operating under ch. 119

Section #. 121.54 (2) (c) of the statutes is amended to read:

121.54 (2) (c) An annual or special meeting of a common or union high school district, ~~or~~ the school board of a unified school district, may elect to provide transportation for pupils who are not required to be transported under this section, including pupils attending public school under s. 118.145 (4). Transportation may be provided for all or some of the pupils who reside in the school district to and from the public school they are entitled to attend ~~or~~ the private school, within or outside the school district, within whose attendance area they reside. If transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils attending public <sup>and charter</sup> and private schools will be transported. Except for elementary school districts electing to furnish transportation under par. (b) 2., this paragraph does not permit a school district operating only elementary grades to provide transportation for pupils attending private schools.

History: 1971 c. 162; 1973 c. 89, 107, 333; 1975 c. 60, 392, 421; 1977 c. 227, 252, 418; 1981 c. 20 s. 2202 (51) (e); 1983 a. 27, 175; 1985 a. 29 s. 3202 (43); 1985 a. 218, 225, 240; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1995 a. 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 1999 a. 150 s. 672; 2001 a. 57.

<sup>d</sup> <sup>or</sup>  
or the board of school directors in charge  
of the school district operating under  
ch. 119,

the charter school, established  
under s. 118.40 (2r), that they  
attend;  
(2r)

(End) 1

~~establis~~ not established by or under contract  
with a school district. They ~~are~~ <sup>are</sup> completely  
~~separate entities~~. School boards  
do not determine which pupils attend a  
✓  
(2r) charter school, and their aid  
<sup>are</sup> payments ~~is~~ not adjusted annually to reflect  
~~the~~ <sup>the</sup> ratio of resident pupils attending elsewhere  
~~to the nonresident pupils attending~~

2. Under current law, MPS is not required  
to transport pupils to public or private school.  
In fact, s. 121.54 (2)(c) implies that MPS is  
not allowed to provide transportation for pupils who  
are not required to be transported, because it  
explicitly states <sup>only</sup> that common, union high school,  
and unified districts may elect to do so. ~~It~~

DN

Representative Jensen:

1. This bill allows <sup>any</sup> pupil who resides in the city of Milwaukee, as well as <sup>any</sup> pupil who resides outside of the city, to attend a s. 18.45 <sup>(2r)</sup> ~~(2v)~~ charter school that is located in the city. However, it does not allow a pupil who resides outside the city to attend a <sup>(2r)</sup> charter school under the Open Enrollment Program. The Open Enrollment Program ~~is designed to~~ allows pupils to attend public school in a <sup>nonresident</sup> school district (a school district in which the pupil does not reside). All <sup>of</sup> the procedures under the program ~~and the~~ <sup>annual</sup> ~~state air~~ ~~adjustments between school districts~~ are designed with the ~~assumption~~ that ~~the two school boards~~

~~involve the~~

involve the resident and nonresident school boards. For example, the pupil applies to the nonresident school board, a copy ~~is~~ of the application is sent to the resident school board; ~~specific criteria for~~ a school board must accept or reject applications based on specific statutory criteria; ~~in most cases, transportation is the responsibility of the pupil's parents~~ and DPI annually adjusts each school district's state aid based on whether there ~~is~~ are more nonresident pupils attending the school district than resident pupils attending other school districts.

In contrast, (2r) charter schools are "independent" charter schools; they are

In order to ~~amend the statute~~ to  
require that  
~~provide that~~ MPS ~~to~~ transport (2v)  
charter school pupils in the same manner  
as  
that if it transports pupils to public ~~and~~ and  
private schools, I had to ~~amend~~ amend  
s. 121.54 (2)(c) to authorize MPS to provide  
transportation for pupils who are not  
required to be transported. OK?  
==

If you have questions or need more  
information, please let me know.

PG

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

LRB-2408/P1dn  
PG:kmg:pg

March 27, 2003

Representative Jensen:

1. This bill allows any pupil who resides in the city of Milwaukee, as well as any pupil who resides outside of the city, to attend a s. 118.40 (2r) charter school that is located in the city. However, it does not allow a pupil who resides outside the city to attend a (2r) charter school under the Open Enrollment Program. The Open Enrollment Program allows pupils to attend public school in a nonresident school district (a school district in which the pupil does not reside). All of the procedures under the program involve the resident and nonresident school boards. For example, the pupil applies to the nonresident school board; a copy of the application is sent to the resident school board; a school board must accept or reject applications based on specific statutory criteria; and DPI annually adjusts each school district's state aid based on whether there are more nonresident pupils attending the school district than resident pupils attending other school districts.

In contrast, (2r) charter schools are "independent" charter schools; they are not established by or under contract with a school district. School boards do not determine which pupils attend a (2r) charter school, and their aid payments are not adjusted annually.

2. Under current law, MPS is not required to transport pupils to public or private school. In fact, s. 121.54 (2) (c) implies that MPS is not allowed to provide transportation for pupils who are not required to be transported, because it states only that common, union high school, and unified school districts may elect to do so. In order to require that MPS transport (2r) charter school pupils in the same manner as it transports pupils to public and private schools, I had to amend s. 121.54 (2) (c) to authorize MPS to provide transportation for pupils who are not required to be transported. OK?

If you have questions or need more information, please let me know.

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

**Grant, Peter**

---

**From:** Knudson, Steve  
**Sent:** Friday, April 04, 2003 9:33 AM  
**To:** Grant, Peter  
**Subject:** Please Complete & Send Over LRB-2408

Good Morning Peter,

Representative Jensen has reviewed your drafter's note for LRB-2408 and feels your drafting is correct. Please complete the drafting of LRB-2408 and send it over to our office at your soonest convenience.

Thank you.

**Steve Knudson**

Clerk, Assembly Committee on Education Reform  
Office of State Representative Scott Jensen  
Room 123 West, PO Box 8952  
State Capitol  
Madison, Wisconsin 53708-8952  
Phone: (608) 264-6970  
Fax: (608) 282-3698

*also delete on p. 2 l. 11-12  
"established under s. 118.45(2r)"  
so it applies to all charter schools*



TU DAY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT to amend 118.40 (2r) (c) 1. and 121.54 (2) (c); and to repeal and recreate  
2 118.40 (2r) (c) 2. of the statutes; relating to: ~~independent~~ charter schools  
3 located in a 1st class city school district.

---

*Analysis by the Legislative Reference Bureau* (see attached)

~~This is a preliminary draft. An analysis will be provided in a later version.~~  
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

- 4 SECTION 1. 118.40 (2r) (c) 1. of the statutes is amended to read:  
5 118.40 (2r) (c) 1. Only Except as provided in subd. 2., only pupils who reside  
6 in the school district in which a charter school established under this subsection is  
7 located may attend the charter school.  
8 SECTION 2. 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

1           118.40 (2r) (c) 2. A pupil who resides outside the school district operating under  
2 ch. 119 may attend a charter school established under this subsection in the school  
3 district operating under ch. 119.

4           **SECTION 3.** 121.54 (2) (c) of the statutes is amended to read:

5           121.54 (2) (c) An annual or special meeting of a common or union high school  
6 district, ~~or the school board of a unified school district, or the board of school directors~~  
7 in charge of the school district operating under ch. 119, may elect to provide  
8 transportation for pupils who are not required to be transported under this section,  
9 including pupils attending public school under s. 118.145 (4). Transportation may  
10 be provided for all or some of the pupils who reside in the school district to and from  
11 the public school they are entitled to attend; the charter school established under  
12 ~~s. 118.40 (2r)~~ that they attend; or the private school, within or outside the school  
13 district, within whose attendance area they reside. If transportation is provided for  
14 less than all such pupils there shall be reasonable uniformity in the minimum  
15 distance that pupils attending public, charter, and private schools will be  
16 transported. Except for elementary school districts electing to furnish  
17 transportation under par. (b) 2., this paragraph does not permit a school district  
18 operating only elementary grades to provide transportation for pupils attending  
19 private schools.

20

(END)

# 2003 ASSEMBLY BILL 29

February 5, 2003 - Introduced by Representatives ZIEGELBAUER, UNDERHEIM, GIELOW, GUNDERSON, HINES, MUSSER, STONE and MCCORMICK, cosponsored by Senators WELCH, A. LASEE, REYNOLDS, ROESSLER and STEPP. Referred to Committee on Education Reform.

1 AN ACT to amend 118.40 (2r) (bm) and 118.40 (2r) (c) 1.; and to create 118.40  
2 (2r) (b) 1. c. of the statutes; relating to: ~~\_\_\_\_\_~~  
3 ~~\_\_\_\_\_~~

### *Analysis by the Legislative Reference Bureau*

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Only pupils who reside in the school district in which an independent charter school is located may attend the charter school. ~~The operators of the independent charter schools receive state aid for each pupil attending the charter school.~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~



~~Amended~~

¶ This bill ~~provides~~ allows a pupil who resides outside the Milwaukee school district to attend an independent charter school located in the Milwaukee school

district. The bill also <sup>explicitly</sup> authorizes a school board to ~~provide transportation~~ ~~from~~

~~provide the~~ to come from a charter school. If a school board elects to do so, it receives state transportation aid.

FE-SL

~~and receive~~  
state transportation  
aid for ~~transporting~~  
~~pupils~~