

State of Wisconsin



2003 Assembly Bill 746

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT to amend 118.40 (2r) (c) 1., 121.08 (4) (a) 1. and 121.08 (4) (a) 2.; to repeal and recreate 118.40 (2r) (c) 2.; and to create 118.40 (2r) (g) and 121.05 (1) (a) 9m. of the statutes; relating to: eligibility to attend an independent charter school and payments made to independent charter schools.

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

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

118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside in ~~outside~~ the school district in which a charter school established under this subsection is located may attend the charter school only if there is space available after pupils who are residents of the school district and pupils described under subd. 2. are accommodated.

SECTION 2. 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23 is converted to a charter school under this subsection, a pupil who attended the private school and the pupil's siblings may attend the converted charter school even though the pupil or the sibling resides outside the school district in which the charter school is located.

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

118.40 (2r) (g) 1. Annually, the department shall determine all of the following:

a. For each school district, the number of pupils who reside in the school district and who are attending a char-

ter school established under this subsection in another school district.

b. The sum of the amount paid per pupil under par. (e) 1. in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year as compared to the previous school year.

2. The department shall decrease each school district's state aid payment under s. 121.08 by an amount equal to the number determined under subd. 1. a. multiplied by the amount determined under subd. 1. b. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount.

3. The department shall ensure that the aid reduction under subd. 2. lapses to the general fund.

SECTION 4. 121.05 (1) (a) 9m. of the statutes is created to read:

121.05 (1) (a) 9m. Notwithstanding subd. 9., pupils residing in the school district but attending a charter school established under s. 118.40 (2r) in another school district.

SECTION 5. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 (4) (a) 1. ~~Add~~ Subtract from the total of the amounts paid under s. 118.40 (2r) (e) in the current school

* Section 991.11, WISCONSIN STATUTES 2001-02: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

year the total of the aid reductions under s. 118.40 (2r) (g) in the current school year.

SECTION 5m. 121.08 (4) (a) 2. of the statutes, as affected by 2003 Wisconsin Act 33, section 2037, is amended to read:

121.08 (4) (a) 2. Divide the ~~sum~~ result under subd. 1. by the total amount of state aid that all school districts are eligible to be paid from the appropriations under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not occurred.

SECTION 6. Initial applicability.

(1) The treatment of section 118.40 (2r) (c) 1. and 2. of the statutes first applies to pupils attending charter schools in the 2004-05 school year and applies retroactively to private schools that converted to charter schools before the effective date of this subsection.

(2) The treatment of sections 118.40 (2r) (g) and 121.08 (4) (a) 1. and 2. of the statutes first applies to state aid and charter school payments made in the 2004-05 school year.

ASSEMBLY BILL 746 (LRB -3767)

An Act to amend 118.40 (2r) (c) 1. and 121.08 (4) (a) 1.; to repeal and recreate 118.40 (2r) (c) 2.; and to create 118.40 (2r) (g) of the statutes; relating to: eligibility to attend an independent charter school and payments made to independent charter schools. (FE)

2004

01-09.	A.	Introduced by Representatives Krug, Vukmir, Sinicki, Jensen, Richards, Jeskewitz, J. Wood and Nischke ; cosponsored by Senators Darling, Plale, Kanavas, A. Lasee, Reynolds, Stepp and Lazich .	
01-09.	A.	Read first time and referred to committee on Education Reform	599
01-14.	A.	Public hearing held.	
01-14.	A.	Executive action taken.	
01-14.	A.	Fiscal estimate received.	
01-14.	A.	Assembly substitute amendment 1 offered by committee on Education Reform (LRB s0294)	609
01-14.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Education Reform, Ayes 8, Noes 4	610
01-14.	A.	Report passage as amended recommended by committee on Education Reform, Ayes 8, Noes 4	610
01-14.	A.	Referred to committee on Rules	610
01-15.	A.	Placed on calendar 1-20-2004 by committee on Rules.	
01-20.	A.	Read a second time	622
01-20.	A.	Assembly substitute amendment 1 adopted	622
01-20.	A.	Ordered to a third reading	622
01-20.	A.	Rules suspended	622
01-20.	A.	Read a third time and passed , Ayes 62, Noes 33	622
01-20.	A.	Ordered immediately messaged	623
01-21.	S.	Received from Assembly	563
01-21.	S.	Read first time and referred to committee on Senate Organization	565
02-02.	S.	Executive action taken.	
02-02.	S.	Report concurrence recommended by committee on Senate Organization, Ayes 3, Noes 2	586
02-02.	S.	Available for scheduling.	
02-02.	S.	Placed on calendar 2-3-2004 by committee on Senate Organization.	
02-03.	S.	Referred to joint committee on Finance	588
02-17.	S.	Executive action taken.	
02-19.	S.	Report introduction and adoption of Senate Amendment 1 recommended by joint committee on Finance, Ayes 15, Noes 0 (LRB a2092)	619
02-19.	S.	Report concurrence as amended recommended by joint committee on Finance, Ayes 13, Noes 2	619
02-19.	S.	Available for scheduling.	
02-20.	S.	LRB correction	621
02-24.	S.	LRB correction	628
02-24.	S.	Placed on calendar 2-26-2004 by committee on Senate Organization.	
02-26.	S.	Read a second time	642
02-26.	S.	Senate amendment 1 adopted	642
02-26.	S.	Ordered to a third reading	642
02-26.	S.	Rules suspended	642
02-26.	S.	Read a third time and concurred in as amended, Ayes 20, Noes 13	642
02-26.	S.	Ordered immediately messaged	643
02-27.	A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted)	755
02-27.	A.	Referred to calendar	756
03-02.	A.	Senate amendment 1 concurred in	764
03-02.	A.	Refused to suspend rules to order action immediately messaged, Ayes 58, Noes 38	764

2003

ENROLLED BILL

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746

JACKET NOT YET RECEIVED

ADOPTED DOCUMENTS:

Orig Engr

A SubAmtdt /

03

S0294 /

Amendments to above (if none, write "NONE"):

SA1

Corrections - show date (if none, write "NONE"):

2-20-04 2-24-04

Topic

relaty

3/8/04

Date

[Signature]

Enrolling Drafter

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State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2003 ASSEMBLY BILL 746

Prepared by the Legislative Reference Bureau
(February 18, 2004)

1. Page 3, line 2: delete "(1)." and substitute "(1)".

(END)

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 746**

January 14, 2004 - Offered by COMMITTEE ON EDUCATION REFORM.

1 **AN ACT to amend** 118.40 (2r) (c) 1. and 121.08 (4) (a) 1.; **to repeal and recreate**
2 118.40 (2r) (c) 2.; and **to create** 118.40 (2r) (g) and 121.05 (1) (a) 9m. of the
3 statutes; **relating to:** eligibility to attend an independent charter school and
4 payments made to independent charter schools.

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

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

6 118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside ~~in~~ outside the school district
7 in which a charter school established under this subsection is located may attend the
8 charter school only if there is space available after pupils who are residents of the
9 school district and pupils described under subd. 2. are accommodated.

10 **SECTION 2.** 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

11 118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23
12 is converted to a charter school under this subsection, a pupil who attended the

1 private school and the pupil's siblings may attend the converted charter school even
2 though the pupil or the sibling resides outside the school district in which the charter
3 school is located.

4 SECTION 3. 118.40 (2r) (g) of the statutes is created to read:

5 118.40 (2r) (g) 1. Annually, the department shall determine all of the following:

6 a. For each school district, the number of pupils who reside in the school district
7 and who are attending a charter school established under this subsection in another
8 school district.

9 b. The sum of the amount paid per pupil under par. (e) 1. in the previous school
10 year and the increase in the per pupil amount paid to private schools under s. 119.23
11 (4) (b) 2. in the current school year as compared to the previous school year.

12 2. The department shall decrease each school district's state aid payment under
13 s. 121.08 by an amount equal to the number determined under subd. 1. a. multiplied
14 by the amount determined under subd. 1. b. If the state aid payment under s. 121.08
15 is insufficient to cover the reduction, the department shall decrease other state aid
16 payments made by the department to the school district by the remaining amount.

17 3. The department shall ensure that the aid reduction under subd. 2. lapses to
18 the general fund.

19 SECTION 4. 121.05 (1) (a) 9m. of the statutes is created to read:

20 121.05 (1) (a) 9m. Notwithstanding subd. 9., pupils residing in the school
21 district but attending a charter school established under s. 118.40 (2r) in another
22 school district.

23 SECTION 5. 121.08 (4) (a) 1. of the statutes is amended to read:

24 121.08 (4) (a) 1. ~~Add~~ the amounts paid under s. 118.40 (2r) (e) in the current
25 school year.

Handwritten annotations: "2-24" with a circled "SAI" next to it, and "2-26" with an arrow pointing to the word "school" in line 25, and "2-25" with a circled "SAI" next to it.

ccc

and 2.

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SECTION 6. Initial applicability.

~~2~~

(1) ~~X~~ The treatment of section 118.40 (2r) (c) 1. and 2. of the statutes first applies to pupils attending charter schools in the 2004-05 school year and applies retroactively to private schools that converted to charter schools before the effective date of this subsection.

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(2) The treatment of sections 118.40 (2r) (g) and 121.08 (4) (a) 1. of the statutes first applies to state aid and charter school payments made in the 2004-05 school year.

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(END)



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2 Amendment 1, as follows:

3 ^{ccc} 1. Page 2, line 24: delete "Add" and substitute "Add Subtract from the total of".

4 2. Page 2, line 25: after "year" insert "the total of the aid reductions under s.

5 118.40 (2r) (g) in the current school year".

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7 "SECTION 5m. 121.08 (4) (a) 2. of the statutes, as affected by 2003 Wisconsin

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2-24

2-25

2-26

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**2003
ENROLLED BILL**

03en A B-746

ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 1

03 0294/1

Amendments to above (if none, write "NONE"):

S A 1

Corrections - show date (if none, write "NONE"):

2-20-04 2-24-04

Topic

Reliability

Date

3/10/04

Enrolling Drafter

[Signature]

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Handwritten notes and signatures: 2-25 B ✓, 2-25 A ✓, 2-24 ✓ (SAI), (SAI)



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Handwritten: 2-74, CCC

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2 Amendment 1, as follows:

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8 Act 33, section 2037, is amended to read:

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Handwritten signature

