

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

LRB-2716/P1dn  
PG:kmg:jf

May 14, 2003

1. The draft provides for 3-year terms for members of the charter school appeal board. OK?
2. I did not allow for appeals in the conditions specified in the paragraphs numbered 2, 3 and 5 of your instructions. In the conditions specified in numbers 2 and 3, the school board or other entity is contracting *on its own initiative*. If the school board or other entity fails to contract on its own initiative, it seems to me that the remedy should be submission of a petition, not an appeal. Do you want to establish a petition option for s. 118.40 (2r) charter schools? In the conditions specified in number 5, there is no decision to appeal; there is merely the allegation that the school board or other entity has violated the contract.
3. I repealed s. 118.40 (2) (c), authorizing an appeal to the state superintendent if MPS fails to grant a petition. I assumed that the new procedure created by this draft would subsume those appeals.
4. Finally, I think the draft should include standards of review for the charter school appeal board. On appeal, is the board limited to determining only whether the procedural requirements have been met and whether there has been no abuse of discretion? Or do you intend for the board to make a decision on the merits; *i.e.* on whether the school board *should* grant the petition? Especially if the latter is your intent, the draft should include criteria for making the determination.

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