

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2716/P2dn
PG:kmg:cph

July 28, 2003

Senn Brown:

1. I deleted all of the dates that we discussed and instead used a series of deadlines expressed in numbers of days to ensure that the process would work regardless of when the contract is submitted or the charter revoked. OK?
2. Regarding the factors that the Charter School Appeal Board must consider: I'm unsure of their relevance when the school board has revoked a person's charter. Because current law authorizes a school board to revoke a charter if the person has violated the contract, shouldn't the issue on appeal be whether there has in fact been a violation, not, for example, whether a large number of parents support the charter school?
3. It's unclear to me what you are looking for in factor no. 3. For example, what kind of governance or accountability would weigh in the appellant's favor?
4. How does s. 118.40 (2m) (am) fit into the draft's various deadlines?
5. Instead of requiring CSAB members to be unbiased, the draft prohibits them from being employed by or affiliated with any school board, sub. (2r) entity, or charter school. OK?
6. I'm still confused about the broad concept underlying this draft. How can the CSAB *order* a school board or other entity to enter into or renew a contract? A valid contract requires an agreement between the parties. There is ordinarily a negotiation. What if the parties, negotiating in good faith, nevertheless fail to reach an agreement?
7. Because the CSAB is not a permanent body, like the School District Boundary Appeal Board, the draft should address a number of issues that would otherwise be resolved by creating the CSAB in ch. 15. These include the CSAB's relationship to DPI (*e.g.*, is the CSAB staffed by DPI employees?), quorum requirements, selection of officers, reimbursement for expenses, and compensation. (Note that the draft specifies that the CSAB does not have rule-making authority. OK?)

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