

**2003 DRAFTING REQUEST**

**Bill**

Received: **05/12/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Russ Whitesel**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - charter schools**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.state.wi.us**

Carbon copy (CC:) to: **russ.whitesel@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Charter school appeals

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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 05/13/2003	kgilfoy 05/13/2003		_____			
/P1	pgrant 07/21/2003	kgilfoy 07/28/2003	jfrantze 05/14/2003	_____	lemery 05/14/2003		
/P2	pgrant	kgilfoy	chaskett	_____	amentkow		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/09/2003	09/09/2003	07/28/2003	_____	07/28/2003		
/P3	pgrant 09/12/2003	kgilfoy 09/15/2003	pgreensl 09/11/2003	_____ _____	lnorthro 09/11/2003		S&L
/1	pgrant 09/22/2003	kgilfoy 09/22/2003	jfrantze 09/16/2003	_____ _____ _____	sbasford 09/16/2003	sbasford 09/18/2003 sbasford 09/18/2003	S&L
/2			rschluet 09/23/2003	_____ _____	sbasford 09/23/2003	sbasford 09/23/2003	

FE Sent For:

↳ At  
Intro.

<END>

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/P2	pgrant	kgilfoy	chaskett		amentkow		

*12-9/22  
Kmg*

*[Handwritten signature]*

*JF*

*9-25-3*

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/1			jfrantze 09/16/2003 _____ _____ _____		sbasford 09/16/2003	sbasford 09/18/2003 sbasford 09/18/2003	

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/?	pgrant 05/13/2003	kgilfoy 05/13/2003				↓ req. by Ellis' office	
/P1	pgrant 07/21/2003	kgilfoy 07/28/2003	jfrantze 05/14/2003		lemery 05/14/2003		
/P2	pgrant	kgilfoy	chaskett		amentkow		

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/P3	pgrant 09/12/2003	kgilfoy 09/15/2003	pgreensl 09/11/2003	_____	lnorthro 09/11/2003		S&L
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/P2	pgrant	kgilfoy	chaskett	_____	amentkow		
		11-9/15 kmq	9/16	HR3 9/16			

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/?	pgrant 05/13/2003	kgilfoy 05/13/2003		<u>          </u> <u>          </u>			
/P1	pgrant 07/21/2003	kgilfoy 07/28/2003	jfrantze 05/14/2003	<u>9/11</u> <u>          </u>	lemery 05/14/2003		
/P2		1P3-9/9 KMG	chaskett 9/11 PS	PS/KS	amentkow		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			07/28/2003 _____		07/28/2003		

FE Sent For:

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Extra Copies: **MJL**

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/?	pgrant 05/13/2003	kgilfoy 05/13/2003	<i>p2</i> 7/26 <i>cp</i>	<i>RS/CPH</i> 7/26			
/P1		<i>1p2-</i> 7/28 <i>KMG</i>	jfrantze 05/14/2003		lemery 05/14/2003		

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1/?	pgrant	1/Pl-5/13 KMG	JM 5/14	Jb/Pg 5/14			

FE Sent For:

<END>

(for Ellis  
cc: Russ Whitford)

WISCONSIN CHARTER SCHOOL LAW (Sec. 118.40, Wis. Statutes)

PROPOSAL TO CREATE AN APPEAL PROCEDURE

APPEAL Procedure --- Any person seeking to establish and operate, or continue to operate, a charter school during a school year or for one or more terms, not exceeding 5 years, may appeal to the State Superintendent by March 1 of the previous school year if any of the following conditions have occurred:

- ✓ 1. The person has submitted a written petition, under sec. 118.40 (1m), to the school district clerk prior to January 1, and the school board has failed to grant the petition.
- X 2. The person has submitted, prior to January 1, a proposed contract to operate or continue to operate a charter school to the school district clerk and requested the school board on its own initiative, under sec. 118.40 (2m), to contract with the person to operate or continue to operate a charter school, and the school board has failed to enter into the contract.
- X 3. The person has submitted, prior to January 1, a proposed contract to operate or continue to operate a charter school to an entity authorized, under sec. 118.40 (2r), to contract with the person to operate or continue to operate a charter school, and the entity has failed to enter into the contract.
- ✓ 4. A school board or other entity that contracted with the person or charter school to operate a charter school, under sec. 118.40 (2r), has revoked the charter, under sec. 118.40 (5), or has failed to renew the contract for a subsequent term prior to January 1.
- X 5. A school board or other entity that contracted with the person or charter school to operate a charter school, under sec. 118.40 (2r), has violated the terms and conditions of the contract.

State Superintendent --- The State Superintendent shall annually appoint a 3 member Charter School Appeal Board (CSAB), consisting of the State Superintendent or his or her designee and two other impartial, qualified adult residents of the State of Wisconsin, to hear appeals filed under \_\_\_\_\_ (appeal procedure above). The State Superintendent shall set the time and place for meetings and hearings of the CSAB. The CSAB will issue a decision within 60 days after an appeal has been filed with the State Superintendent. The CSAB may grant or deny the appeal. When the CSAB grants the appeal, it may order the school board or other entity, under sec. 118.40 (2r), to enter into, renew or maintain a contract with the person to operate a charter school. The CSAB's decision is final and not subject to judicial review under ch. 227, except that a person who claims that the existing contract is being or has been violated may seek judicial review.

Initial Applicability --- This chapter applies to all appeals filed on or after March 1, 2003.

2003

Date (time) needed

LRB - 2716, P,

BILL

DN

PG : King :

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] 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: ...appeals of ~~decisions~~ decisions... relating to... charter schools and creating a... Charter School Appeal Board...

[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

This is a preliminary draft. An analysis will be provided with a later version.

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

SECTION #.

SEC.

CR. 15.375 (1)

(B)

(CS)

15.375 (1) CHARTER SCHOOL APPEAL BOARD.

There is created a charter school appeal board in the department of public instruction. The board shall consist of 2 members appointed by the state superintendent of public instruction for 3-year terms and the state superintendent of public instruction or his or her designee.



✓  
SER. RP. 118.40 (2)(c)

SER. CR. 118.40 (2)

(CS) APPEALS.

¶ 118.40 (2)(a) In this subsection, "board" means the charter school appeal board.

¶ (b). If a school board denies a petition filed under sub. (1m), ~~or fails to act upon the petition within 30 days after the public hearing held under sub. (2)(a),~~ the person seeking to establish the charter school may, within 30 days after the denial, ~~or the expiration of the 30 day period for acting on the petition,~~ appeal the ~~renewal~~ denial to the board. Failure to act ~~within the 30 days period~~ after the public hearing constitutes a denial of the petition under this paragraph.

¶ 2. If a school board, or the entity that <sup>under sub. (2r)(b),</sup> contracted with the charter school ~~renews~~ the

(CR)(b)

charter under sub. (5) or decides not to  
~~renew~~ <sup>renew</sup> a charter, the ~~person~~ <sup>person</sup> operating the  
charter school may, within 30 days after  
receiving notice of revocation or nonrenewal,  
appeal the revocation or nonrenewal to  
the board.

~~(3) If the person operating a charter  
school determines that the school board, or  
entity that contracted with the charter  
school under sub. (2r)(b), has violated its  
contract with the school board or entity  
under sub. (2r)(b), the person may appeal~~

~~(c) The state superintendent shall set the  
time and place for meetings of the board~~

9 (c) The board shall issue a decision within 60  
days of receiving an appeal under par. (b).

The board's decision is final and not subject  
to ~~admin~~ judicial review under ch. 227.

**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

SECTION # [91]. Nonstatutory provisions 0 ...

(#1) UNY CHARTER SCHOOL APPEAL BOARD.

Notwithstanding section 15-375 (c) of the statutes, as created by this act, the initial term of one of the members of the charter school appeal board appointed by the state superintendent of public instruction expires on May 1, 2005, and the initial term of the other member of the charter school appeal board appointed by the state superintendent of public instruction expires on May 1, 2006.

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... **create** → **action:** → \*NS: → **inappl**  
 For the budget action phrase, execute: ..... **create** → **action:** → \*NS: → **93XX**  
 For the text, execute: ..... **create** → **text:** → \*NS: → **inappl**
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**   193   **Initial applicability** .....

( #1 )   NW   .....

  118.40 (2)(c)   ✓ The treatment of sections ..

..... of the statutes  
first applies to   appeals received by the department of    
  public instruction on the effective date of    
  this subsection.  

*(End)*

- In the component bar:  
 For the action phrase, execute: ..... **create** → **action:** → \*NS: → **inappl**  
 For the text, execute: ..... **create** → **text:** → \*NS: → **inapplA**
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ **Initial applicability;** .....

( #1 ) (    ) ..... This act first

applies to .....

DN

: King:

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 <sup>the paragraphs numbered 2, 3 and 5</sup> of ~~the~~ your instructions.

In the conditions specified in numbers 2 and 3, the school board <sup>or</sup> other entity is contracting on its own initiative.

If the school board or other entity fails to contract ~~on~~ on its own initiative, it seems to me that the remedy should be submission of a petition, <sup>not an appeal.</sup>

As you want to establish a petition option for <sup>s. 118.40</sup> (or) charter schools?

In ~~number~~ 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 ~~was~~ recalled s. 118.40 (2)(c),  
authorizing an  
~~appeal~~ appeal to the state superintendent if  
MPS fails to grant a petition. I assumed that  
the new procedure created by this draft would  
subsume these appeals.

4. Finally, I think the draft should include  
standards of review ~~of~~ for the charter school  
appeal board. On appeal, is the board limited to  
determining only

whether the procedural requirements have been met  
~~whether~~ whether there  
and ~~there~~ has been no abuse of discretion?  
do you intend for

Or ~~is~~ the board to make a ~~decision~~ decision

on the merits; (i.e.) on whether the ~~school~~ school

board <sup>(I)</sup> should grant the petition? Especially if  
the latter is

your intent, ~~is~~ the draft should include  
criteria for making the determination.

**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.

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



**Grant, Peter****From:** Senn Brown [sennb@charter.net]**Sent:** Friday, July 18, 2003 10:15 AM**To:** peter.grant@legis.state.wi.us;**Cc:** Senn Brown**Subject:** New draft of appeal procedure

Peter & Russ --- Here is an updated draft (7/18/03) of a proposed appeal procedure. Thanks .... Senn

WISCONSIN CHARTER SCHOOL LAW (Sec. 118.40, Wis. Statutes)

PROPOSAL TO CREATE AN APPEAL PROCEDURE

APPEAL Procedure --- Any person seeking to establish and operate, or continue to operate, a charter school during a school year or for one or more terms, not exceeding 5 years, may appeal to the State Superintendent by March 1 of the previous school year if any of the following conditions have occurred:

1. The person has submitted a written petition, under sec. 118.40 (1m), to the school district clerk prior to January 1, and the school board has failed to grant the petition.
2. The person has submitted, prior to January 1, a proposed contract to operate or continue to operate a charter school to the school district clerk and requested the school board on its own initiative, under sec. 118.40 (2m), to contract with the person to operate or continue to operate a charter school, and the school board has failed to enter into the contract.
3. The person has submitted, prior to January 1, a proposed contract to operate or continue to operate a charter school to an entity authorized, under sec. 118.40 (2r), to contract with the person to operate or continue to operate a charter school, and the entity has failed to enter into the contract.
4. A school board or other entity that contracted with the person or charter school to operate a charter school, under sec. 118.40 (2r), has revoked the charter or has failed, prior to January 1, to renew the contract for a subsequent term.
5. A school board or other entity that contracted with the person or charter school to operate a charter school, under sec. 118.40 (2r), has violated the terms and conditions of the contract.

State Superintendent --- Upon receipt of an appeal, the State Superintendent shall appoint a Charter School Appeal Panel (CSAP), consisting of three impartial and disinterested adult residents of the State of Wisconsin, to consider and act on the appeal. The State Superintendent shall set the time and place of any meetings of the CSAP, which shall be noticed and open to the public. The CSAP will issue a decision within 60 days after an appeal has been filed with the State Superintendent. In granting or denying the appeal, the CSAP shall consider the charter school or proposed charter school's:

1. Level of support among parents of students who may attend the school,
2. Potential for expanding choices for students and parents within public education,
3. Plans for site-based governance and accountability for student learning, and
4. Potential for improving the public education system as a whole through the implementation of innovative educational and operational methods.

If the CSAP grants the appeal, it may order the school board or other entity, under sec. 118.40 (2r), to enter into, renew or maintain a contract with the person to operate a charter school. The CSAP's decision is final and not subject to judicial review under ch. 227, ~~except that a person who claims that the existing contract is being or has been violated may seek judicial review.~~

07/18/2003

Initial Applicability --- This chapter applies to all appeals filed on or after March 1, 2004.

Senn Brown, Secretary  
Wisconsin Charter Schools Association  
PO Box 628243  
Middleton, WI 53562 - 8243  
Tel: 608-238-7491  
Fax: 608-663-5262  
Email: [sennb@charter.net](mailto:sennb@charter.net)  
Web: <http://www.wicharterschools.org>

TC of Lena Brown 7/18/53

submit to sch bd by 12/1 for  
next school year.

eligible to appeal if sch bd hasn't acted  
by 2/1 (60 days)

must appeal w/in 15 days  
(latest 2/15)

ss must appeal by 3/1

bd must issue decision by 6/1



WANTED MON. 7/28  
DN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*regenerate*

1 AN ACT *to repeal* 118.40 (2) (c); and *to create* 15.375 (1) and 118.40 (8) of the  
2 statutes; relating to: appeals of decisions relating to charter schools ~~and~~  
3 ~~creating a Charter School Appeal Board.~~

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

4 SECTION 1. 15.375 (1) of the statutes is created to read:  
5 15.375 (1) CHARTER SCHOOL APPEAL BOARD. There is created a charter school  
6 appeal board in the department of public instruction. The board shall consist of 2  
7 members appointed by the state superintendent of public instruction for 3-year  
8 terms and the state superintendent of public instruction or his or her designee.

9 SECTION 2. 118.40 (2) (c) of the statutes is repealed.

10 SECTION 3. 118.40 (8) of the statutes is created to read:

1 118.40 (8) APPEALS. (a) In this subsection, "board" means the charter school  
2 appeal board.

3 (b) 1. If a school board denies a petition filed under sub. (1m), the person  
4 seeking to establish the charter school may, within 30 days after the denial, appeal  
5 the denial to the board. Failure to act on a petition within 30 days after the public  
6 hearing constitutes a denial of the petition under this paragraph.

7 2. If a school board, or the entity that contracted with the charter school under  
8 sub. (2r) (b), revokes the charter under sub. (5) or decides not to renew a charter, the  
9 person operating the charter school may, within 30 days after receiving notice of  
10 revocation or nonrenewal, appeal the revocation or nonrenewal to the board.

11 (c) The board shall issue a decision within 60 days of receiving an appeal under  
12 par. (b). The board's decision is final and not subject to judicial review under ch. 227.

#### 13 SECTION 4. Nonstatutory provisions.

14 (1) CHARTER SCHOOL APPEAL BOARD. Notwithstanding section 15.375 (1) of the  
15 statutes, as created by this act, the initial term of one of the members of the charter  
16 school appeal board appointed by the state superintendent of public instruction  
17 expires on May 1, 2005, and the initial term of the other member of the charter school  
18 appeal board appointed by the state superintendent of public instruction expires on  
19 May 1, 2006.

20 **SECTION 5. Initial applicability.**

21 (1) The treatment of section 118.40 (2) (c) of the statutes first applies to appeals  
22 received by the department of public instruction on the effective date of this  
23 subsection.

24 (END)

INSERT

NOTE (a) If any of the following occurs, ~~the~~ a person seeking to operate <sup>to</sup> a charter school <sup>or continue to operate</sup>

under contract with a school board or <sup>an</sup> entity

under sub. (2r) (b), may appeal to the

state superintendent within 15 days of the denial <sup>or</sup> revocation ~~or refusal~~:

1. The person has filed a petition with the school district clerk (under sub. (1m) (a)) and the school board has denied the petition.

2. The person has submitted a proposed contract <sup>that includes all of the provisions specified</sup> to the school board, ~~and~~ requesting the school board to contract with the person under sub. (2m), and the school board has denied the person's request.

3. The person has submitted a proposed contract that includes all of the provisions

specified in sub. (1m)(b) to an entity  
under sub. (2v)(b), requesting the entity to  
contract with the person under sub. (2v),  
and the entity has denied the person's  
request.

4. A school board, or <sup>the</sup> entity that contracted  
with the person to operate a charter school  
under sub. (2v)(b), <sup>person's</sup> revokes the <sup>person's</sup> charter under  
sub. (5) or <sup>refuse</sup> ~~decides not~~ to renew the <sup>person's</sup> charter.

¶ (b) 1. Failure to act on a <sup>e</sup> petition within 60 days  
~~of the~~ after the public hearing under sub. (2)(a),  
constitutes denial of the petition under <sup>par.</sup> (a) 1.

2. Failure to act on a proposed contract  
submitted to a school board under sub. (2m)(a) or

to an entity under sub. (2r) (b) ~~constitutes~~  
~~reject~~ within 60 days of its submittal  
of the request  
constitutes denial under par. (a) 2. or 3.

within 15 days of receiving  
¶ (c) ~~upon receipt of~~ an appeal under  
par. (a), the state superintendent shall

appoint a ~~3 member~~ charter school appeal board  
to hear the appeal. The charter school appeal board shall  
consist of 3 residents of this state who do

not reside within the school district in which  
the proposed or existing  
the charter school is located, and are not  
officials of,

~~members of or employed a school board, employees~~  
~~and are not employed~~

~~school district employees, or employed by,~~ or

affiliated with  $\frac{1}{3}$  any school district, entity specified under sub. (2r) (b),  
or charter school. The state

superintendent shall set the time and place for

meetings of the board. The charter school appeal

board does not have rule-making authority.



~~(d) The charter school appeal board shall~~  
~~issue a decision <sup>on an appeal</sup> within 90 days of its appointment~~  
~~under par. (c). Upon issuing a decision, the~~  
~~charter school appeal board is terminated. In~~  
making its decision, the charter school appeal  
board shall consider the following factors:

1. The level of support for the charter school among the parents of pupils who attend or who may attend the charter school.
2. The potential for the charter school educational to offer additional choices for pupils.
3. The <sup>plans of the</sup> charter school <sup>school</sup> a proposed charter school for governance and for measuring pupil academic progress.
4. The potential for the charter school to improve public education through the implementation

of innovative educational programs ~~and~~ or  
methods.

¶ (e) The charter school appeal board shall  
issue a decision on an appeal within 90 days  
of its appointment under par. (c). <sup>In its decision,</sup> The board may  
order the school board or entity under sub. (2)(b) <sup>charter school</sup>  
to enter into, renew, or maintain a contract  
with the appellant. Upon issuing its decision,  
the charter school appeal board is terminated.

The charter school appeal board's decision is final  
and not subject to judicial review under  
ch. 227.

end of interest

DN

Jenn Brown :

: King:

1. I deleted all of the dates that we discussed  
and instead used a ~~series~~ <sup>series of deadlines expressed in numbers</sup> of days to ensure that  
the process ~~will~~ <sup>works</sup> of 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~~ <sup>relevance</sup> when the school board or other entity  
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 <sup>in fact</sup> been a violation, not,  
for example, whether a large number of  
parents support the charter school?

3. First It's unclear to me what you are  
looking for in factor no. 3. For example,  
of governance ~~and what type of~~ <sup>or</sup> what kind  
of accountability  
would weigh in the appellant's favor?

4. How does s. 118.40 (2m)(am) fit into this draft's <sup>various</sup> deadlines?

5. Instead of requiring CSAB members to be unbiased, the draft prohibits them from being employed by or affiliated with any school board, <sup>pub.</sup> (2<sup>v</sup>) entity, or charter school. ok?

6. I'm <sup>still</sup> ~~concerned~~ <sup>worried</sup> about the <sup>broader concept</sup> ~~underlying~~ <sup>concept</sup> ~~of~~ this draft. How can the CSAB <sup>(I)</sup> ~~order~~ <sup>order</sup> 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. ~~Finally~~ 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., <sup>(E)</sup> 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?)

PG

**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?
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Peter R. Grant  
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E-mail: peter.grant@legis.state.wi.us

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9/5/03

TC w/ Lew Brown

re 2716/02

DN pts:

- ① OK ✓
- ② ~~whether reasons valid~~  
~~or ~~delete~~ change as suggested~~
- ③ ~~delete this factor~~

④ - ~~leave (2m) in law~~ } w/in x days after  
 - RS (2m) (km) } hrg, gup  
 can appeal

⑤ instead, drop App hd altogether  
 go to (SS) instead  
 allow SS to opt impartial panel or  
 indiv. to act on the appeal  
 4/leg re not required opt  
 (must be ~~filed~~ in 30 days  
 & no final)

⑥ leave as is -

(but) cd be another chartering entity  
 i.e. SS order ed-allow ~~ss~~ allow 'em to get charter  
 from another ~~entity~~ authorized entity  
 despite limitations in current  
 law

⑦ delete SDBAB

(any ind - in law 5)  
 "Pricer"  
 "MTP"  
 still wanted in original  
 please wanted