

2003 SENATE BILL 382

January 9, 2004 - Introduced by Senators DARLING, PLALE, LAZICH, REYNOLDS, KANAVAS, A. LASEE and STEPP, cosponsored by Representatives KRUG, VUKMIR, SINICKI, JENSEN, RICHARDS, JESKEWITZ, J. WOOD and NISCHKE. Referred to Committee on Education, Ethics and Elections.

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) of the statutes; **relating to:**
3 eligibility to attend an independent charter school and payments made to
4 independent charter schools.

Analysis by the Legislative Reference Bureau

Under current law, the city of Milwaukee, the University of Wisconsin-Milwaukee, the Milwaukee Area Technical College, and the University of Wisconsin-Parkside may establish and operate a charter school or contract with a person to operate a charter school (independent charter schools). Currently, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

Under this bill, if a private school participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense, converts to an independent charter school, a pupil who attended the private school and the pupil's siblings may attend the charter school even though the pupil or sibling resides outside the school district in which the charter school is located. In all other cases, the bill allows a pupil who resides outside the school district in which an independent charter school is located to attend the charter school only if there is space available.

Currently, the state makes payments to independent charter schools. The cost is fully offset by a proportionate reduction in the general school aid of all school

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districts. Under this bill, the payment to an independent charter school for a pupil who resides outside the school district in which the charter school is located is offset by a reduction in the general school aid only of the school district in which the pupil resides.

Under current law, a pupil may attend an independent charter school located in the city of Milwaukee only if, in the previous school year, the pupil was enrolled in the Milwaukee Public Schools, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, was enrolled in an independent charter school, or was not enrolled in school. This bill eliminates this eligibility requirement.

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:

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

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

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

7 118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23
8 is converted to a charter school under this subsection, a pupil who attended the
9 private school and the pupil's siblings may attend the converted charter school even
10 though the pupil or the sibling resides outside the school district in which the charter
11 school is located.

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

13 118.40 (2r) (g) 1. Annually, the department shall determine all of the following:

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1 a. For each school district, the number of pupils who reside in the school district
2 and who are attending a charter school established under this subsection in another
3 school district.

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

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

12 3. If a pupil attends a charter school established under this subsection in a
13 school district other than the school district in which the pupil resides for less than
14 a full school term, the department shall prorate the state aid reduction under subd.
15 2. based on the number of days that school is in session and the pupil attends the
16 charter school.

17 4. The department shall ensure that the aid adjustment under subd. 2. does not
18 affect the amount determined to be received by a school district as state aid under
19 s. 121.08 for any other purpose.

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

21 121.08 (4) (a) 1. Add the amounts paid under s. 118.40 (2r) (e) in the current
22 school year.

23 **SECTION 5. Initial applicability.**

24 (1). The treatment of section 118.40 (2r) (c) 1. and 2. of the statutes first applies
25 to pupils attending charter schools in the 2004-05 school year and applies

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SECTION 5

1 retroactively to private schools that converted to charter schools before the effective
2 date of this subsection.

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

6 (END)