

## 2007 ASSEMBLY BILL 870

February 22, 2008 – Introduced by Representatives DAVIS, LEMAHIEU, PRIDEMORE, GOTTLIEB, GUNDERSON, KERKMAN, KESTELL, KRAMER, LOTHIAN, MONTGOMERY, MURSAU, MURTHA, NEWCOMER, NYGREN, A. OTT, SUDER, TAUCHEN, TOWNSEND, VUKMIR, ZIEGELBAUER and ZIPPERER, cosponsored by Senators LEIBHAM, GROTHMAN, KAPANKE, LAZICH and ROESSLER. Referred to Committee on Education.

1     **AN ACT** *to renumber* 120.21 (1); *to renumber and amend* 118.40 (3) (c) and  
2           120.21 (2); *to amend* 118.15 (1) (a), 118.19 (1), 118.40 (4) (b) 1., 118.51 (2),  
3           119.04 (1) and 121.02 (1) (a) 2.; and *to create* 115.001 (16), 115.28 (53), 118.15  
4           (1) (g), 118.19 (13), 118.40 (2r) (b) 4., 118.40 (8), 118.51 (18), 120.21 (3) and  
5           121.83 (4) of the statutes; **relating to:** virtual charter schools.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, any person who teaches in a public school, including a charter school, must hold a teaching license or permit issued by the Department of Public Instruction (DPI). This bill specifies that if a pupil attends a virtual charter school, a person who provides educational services to the pupil in the pupil's home, other than instructional staff of the virtual charter school, is not required to hold a teaching license or permit. The bill defines a virtual charter school as a charter school in which all or a portion of the instruction is provided through means of the Internet and the pupils and teachers are geographically remote from each other.

Current law provides that a charter school established by a school board must be located in the school district. This bill provides that this restriction does not apply to virtual charter schools. The bill allows virtual charter schools only if they are established under contract with a school board.

The bill requires a virtual charter school governing board to assign an appropriately licensed teacher for each online course offered by the virtual charter school. The bill provides that no person may teach in a virtual charter school if he

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or she holds only a charter school instructional staff permit, and specifies that a charter school instructional staff license provides no additional authority to the license holder in a virtual charter school. Current administrative rules authorize the holder of a charter school instructional staff license to teach in a charter school at any level and in any subject.

The bill requires a virtual charter school to provide educational services to its pupils for at least 150 days each school year; to ensure that its teachers are available to provide direct pupil instruction for at least the number of hours specified under current law for public school pupils; and to ensure that its teachers respond to inquiries from pupils and parents or guardians by the end of the first school day following the day on which the inquiry is received.

The bill requires a virtual charter school to establish a parent advisory council and to provide certain specified information to parents or guardians at the beginning of each school term.

The bill provides that the compulsory school attendance requirement does not apply to pupils enrolled in a virtual charter school. Under the bill, if a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within five school days, the virtual charter school must notify the pupil's parent or guardian. If the pupil fails to so respond three times in one semester, the school board that contracted for the establishment of the virtual charter school may transfer the pupil to his or her resident school district. If the pupil is a resident of the contracting school district, the school board may assign the pupil to another school or program within that school district. A pupil's parent or guardian may appeal a transfer (but not an assignment within the same school district) to DPI. The bill provides that if a pupil's parent or guardian notifies the virtual charter school, before an assignment or directive is given, that the pupil will not be available to respond to it within a specified period, the school days within that period do not count toward the five-day response requirement. However, no more than ten school days in a school year maybe excused in this fashion.

The bill directs DPI to make online courses available, through a statewide web academy, to public, private, and charter schools located in this state and to cooperative educational service agencies. The bill allows the department to contract for this purpose but prohibits the use of general purpose revenue for this purpose. Any contract entered into by a school board that relates to providing online courses is open to public inspection and copying.

The bill provides that beginning July 1, 2010, no person may teach an online course in a public or charter school unless he or she completes at least 30 hours of professional development designed to prepare a teacher for online teaching.

The bill provides that if a pupil who is not a resident of this state attends a virtual charter school in this state, the school board must charge the pupil tuition in an amount equal to at least the amount used for the per pupil state aid adjustment under the Open Enrollment Program.

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Finally, the bill clarifies that a pupil may attend a charter school in a nonresident school district through the Open Enrollment Program.

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

1           **SECTION 1.** 115.001 (16) of the statutes is created to read:

2           115.001 **(16)** VIRTUAL CHARTER SCHOOL. “Virtual charter school” means a charter  
3 school under contract with a school board under s. 118.40 in which all or a portion  
4 of the instruction is provided through means of the Internet, and the pupils enrolled  
5 in and instructional staff employed by the school are geographically remote from  
6 each other.

7           **SECTION 2.** 115.28 (53) of the statutes is created to read:

8           115.28 **(53)** ONLINE COURSES. Make online courses available, through a  
9 statewide web academy, to school districts, cooperative educational service agencies,  
10 and charter schools and private schools located in this state. The department may  
11 contract with any person to provide this service. The department may not use  
12 amounts appropriated from general purpose revenues, as defined in s. 20.001 (2) (a),  
13 to provide this service.

14           **SECTION 3.** 118.15 (1) (a) of the statutes is amended to read:

15           118.15 **(1)** (a) Except as provided under pars. (b) to (d) and (g) and sub. (4),  
16 unless the child is excused under sub. (3) or has graduated from high school, any  
17 person having under control a child who is between the ages of 6 and 18 years shall  
18 cause the child to attend school regularly during the full period and hours, religious  
19 holidays excepted, that the public or private school in which the child should be  
20 enrolled is in session until the end of the school term, quarter or semester of the  
21 school year in which the child becomes 18 years of age.

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1           **SECTION 4.** 118.15 (1) (g) of the statutes is created to read:

2           118.15 **(1)** (g) Paragraph (a) does not apply to a person having under control  
3 a child who is enrolled in a virtual charter school.

4           **SECTION 5.** 118.19 (1) of the statutes is amended to read:

5           118.19 **(1)** Any Except as provided in s. 118.40 (8) (b) 2., any person seeking to  
6 teach in a public school, including a charter school, or in a school or institution  
7 operated by a county or the state shall first procure a license or permit from the  
8 department.

9           **SECTION 6.** 118.19 (13) of the statutes is created to read:

10           118.19 **(13)** Beginning July 1, 2010, no person may teach an online course in  
11 a public school, including a charter school, unless he or she has completed at least  
12 30 hours of professional development designed to prepare a teacher for online  
13 teaching.

14           **SECTION 7.** 118.40 (2r) (b) 4. of the statutes is created to read:

15           118.40 **(2r)** (b) 4. No chartering or contracting entity under subd. 1. may  
16 establish or enter into a contract for the establishment of a virtual charter school.

17           **SECTION 8.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and  
18 amended to read:

19           118.40 **(3)** (c) 1. A school board may not enter into a contract for the  
20 establishment of a charter school located outside the school district, except that if 2  
21 or more school boards enter into an agreement under s. 66.0301 to establish a charter  
22 school, the charter school shall be located within one of the school districts, and if one  
23 or more school boards enter into an agreement with the board of control of a  
24 cooperative educational service agency to establish a charter school, the charter  
25 school shall be located within the boundaries of the cooperative educational service

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1 agency. This subdivision does not apply to the establishment of a virtual charter  
2 school.

3 2. A school board may not enter into a contract that would result in the  
4 conversion of a private, sectarian school to a charter school.

5 **SECTION 9.** 118.40 (4) (b) 1. of the statutes is amended to read:

6 118.40 (4) (b) 1. Charge tuition, except as otherwise provided in s. 121.83 (4).

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

8 118.40 (8) VIRTUAL CHARTER SCHOOLS. (a) *Location.* For the purposes of sub.  
9 (7) (a), (am), and (ar), a virtual charter school is considered to be located in the  
10 following school district:

11 1. If a school board contracts with a person to establish the virtual charter  
12 school, in the school district governed by that school board.

13 2. If 2 or more school boards enter into an agreement under s. 66.0301 to  
14 establish the virtual charter school, or if one or more school boards enter into an  
15 agreement with the board of control of a cooperative educational service agency to  
16 establish the virtual charter school, in the school district specified in the agreement.

17 (b) *Licensure.* 1. The governing body of a virtual charter school shall assign  
18 an appropriately licensed teacher for each online course offered by the virtual  
19 charter school. No person holding only a permit to teach exclusively in a charter  
20 school may teach in a virtual charter school, and no person holding both a license to  
21 teach exclusively in a charter school and a license to teach in other public schools may  
22 teach, in a virtual charter school, a subject or at a level that is not authorized by the  
23 latter license.

24 2. If a pupil attends a virtual charter school, any person providing educational  
25 services to the pupil in the pupil's home, other than instructional staff of the virtual

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1 charter school, is not required to hold a license or permit to teach issued by the  
2 department.

3 (c) *Staff duties.* In a virtual charter school, an instructional staff member is  
4 responsible for all of the following for each pupil the instructional staff member  
5 teaches:

- 6 1. Improving learning by planned instruction.
- 7 2. Diagnosing learning needs.
- 8 3. Prescribing content delivery through class activities.
- 9 4. Assessing learning.
- 10 5. Reporting outcomes to administrators and parents and guardians.
- 11 6. Evaluating the effects of instruction.

12 (d) *Required days and hours.* A virtual charter school shall do all of the  
13 following:

- 14 1. Provide educational services to its pupils for at least 150 days each school  
15 year.
- 16 2. Ensure that its teachers are available to provide direct pupil instruction for  
17 at least the applicable number of hours specified in s. 121.02 (1) (f) 2. each school year.  
18 No more than 10 hours in any 24-hour period may count toward the requirement  
19 under this subdivision.
- 20 3. Ensure that its teachers respond to inquiries from pupils and from parents  
21 or guardians of pupils by the end of the first school day following the day on which  
22 the inquiry is received.

23 (e) *Parent advisory council.* The governing body of a virtual charter school shall  
24 ensure that a parent advisory council is established for the school and that it meets

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1 on a regular basis. The governing body shall determine the selection process for  
2 members of the parent advisory council.

3 (f) *Required notices.* At the beginning of each school term, the governing body  
4 of a virtual charter school shall inform the parent or guardian of each pupil attending  
5 the virtual charter school, in writing, the name of, and how to contact, each of the  
6 following persons:

7 1. The members of the school board that contracted for the establishment of the  
8 virtual charter school and the administrators of that school district.

9 2. The members of the virtual charter school's governing body, if different than  
10 the persons under subd. 1.

11 3. The members of the virtual charter school's parent advisory council  
12 established under par. (e).

13 4. The staff of the virtual charter school.

14 (g) *Pupil's failure to participate.* 1. Whenever a pupil attending a virtual  
15 charter school fails to respond appropriately to a school assignment or directive from  
16 instructional staff within 5 school days, the governing body of the virtual charter  
17 school shall notify the pupil's parent or guardian.

18 2. Subject to subd. 2m., the third time in the same semester that a pupil  
19 attending a virtual charter school fails to respond appropriately to a school  
20 assignment or directive from instructional staff within 5 school days, the governing  
21 body of the virtual charter school shall also notify the school board that contracted  
22 for the establishment of the virtual charter school, the school board of the pupil's  
23 resident school district, and the department. The school board that contracted for  
24 the establishment of the virtual charter school may transfer the pupil to his or her  
25 resident school district. If the pupil is a resident of the school district that contracted

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1 for the establishment of the virtual charter school, the school board may assign the  
2 pupil to another school or program within that school district. If the school board  
3 transfers or assigns a pupil, it shall notify the pupil's parent or guardian and the  
4 department.

5 2m. If the parent or guardian of a pupil attending a virtual charter school  
6 notifies the virtual charter school in writing before a school assignment or directive  
7 is given that the pupil will not be available to respond to the assignment or directive  
8 during a specified period, the school days during that period do not count for purposes  
9 of subd. 2. The virtual charter school shall require the pupil to complete any  
10 assignment missed during the period. This subdivision applies to no more than 10  
11 school days in a school year.

12 3. The parent or guardian of a pupil transferred to the pupil's resident school  
13 district under subd. 2. may appeal the transfer to the department within 30 days  
14 after receipt of the notice of transfer. The department shall affirm the school board's  
15 decision unless the department finds that the decision was arbitrary or  
16 unreasonable.

17 **SECTION 11.** 118.51 (2) of the statutes is amended to read:

18 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a  
19 charter school, prekindergarten, 4-year-old kindergarten, or early childhood or  
20 school-operated day care program, in a nonresident school district under this  
21 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,  
22 or early childhood or school-operated day care program in a nonresident school  
23 district only if the pupil's resident school district offers the same type of program that  
24 the pupil wishes to attend and the pupil is eligible to attend that program in his or  
25 her resident school district.



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1           **SECTION 12.** 118.51 (18) of the statutes is created to read:

2           118.51 **(18)** LOCATION OF VIRTUAL CHARTER SCHOOLS. For purposes of this section,  
3 a virtual charter school is located in the school district specified in s. 118.40 (8) (a).

4           **SECTION 13.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20,  
5 is amended to read:

6           119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
7 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
8 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,  
9 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16,  
10 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8),  
11 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12  
12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34),  
13 (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class  
14 city school district and board.

15           **SECTION 14.** 120.21 (1) of the statutes is renumbered 120.21 (1) (a).

16           **SECTION 15.** 120.21 (2) of the statutes is renumbered 120.21 (1) (b) and  
17 amended to read:

18           120.21 **(1)** (b) The cost of such contracts under this subsection shall be paid out  
19 of the school district general fund.

20           **SECTION 16.** 120.21 (3) of the statutes is created to read:

21           120.21 **(3)** Any contract entered into by a school board that relates to providing  
22 online courses is open to public inspection and copying.

23           **SECTION 17.** 121.02 (1) (a) 2. of the statutes is amended to read:

24           121.02 **(1)** (a) 2. Ensure Subject to s. 118.40 (8) (b) 2., ensure that all  
25 instructional staff of charter schools located in the school district hold a license or

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1 permit to teach issued by the department. For purposes of this subdivision, a virtual  
2 charter school is located in the school district specified in s. 118.40 (8) (a). The state  
3 superintendent shall promulgate rules defining “instructional staff” for purposes of  
4 this subdivision.

5 **SECTION 18.** 121.83 (4) of the statutes is created to read:

6 121.83 (4) Notwithstanding subs. (1) and (2), if a pupil who is not a resident  
7 of this state attends a virtual charter school in this state, the school board that  
8 contracted for the establishment of the virtual charter school shall charge tuition for  
9 the pupil in an amount equal to at least the amount determined under s. 118.51 (16)  
10 (a) 3.

11 **SECTION 19. Nonstatutory provisions.**

12 (1) AUDIT.

13 (a) The legislative audit bureau shall perform a financial and performance  
14 evaluation audit of virtual charter schools. The audit shall do all of the following:

15 1. Compare the amount paid by the state for pupils attending a virtual charter  
16 school through the Open Enrollment Program to the actual educational costs of  
17 pupils attending virtual charter schools.

18 2. Compare the cost of educating pupils in virtual charter schools to the cost  
19 of educating pupils in other public schools.

20 3. Determine the actual and potential effects of state payments for pupils  
21 attending virtual charter schools through the Open Enrollment Program on the  
22 budgets of the school districts in which the pupils reside and on other school districts.

23 4. Compare the academic achievement of pupils who attend virtual charter  
24 schools to the academic achievement of pupils of similar socioeconomic backgrounds  
25 who attend other public schools.

