



Wed. a.m.

LRB-3144/4

PG:bk:

2007 BILL

Inserts

SA ✓
X-ref ✓

1 AN ACT to renumber and amend 118.40 (3) (c); to amend 118.19 (1), 118.40 (2r)
 2 (bm), 118.51 (2), 119.04 (1) and 121.02 (1) (a) 2.; and to create 115.001 (16),
 3 118.19 (13), 118.40 (2r) (g), 118.40 (8), 118.51 (16) (b) 3., 118.51 (18) and 118.57
 4 of the statutes; relating to: online courses for elementary and secondary school
 5 pupils and granting rule-making authority.

regh ←

2009 ✓

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). Until July 1, 2009, this bill exempts from this requirement any person who teaches in a virtual charter school. The bill defines a virtual charter school as a charter school that provides an online learning program.

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.

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No. 4

The bill prohibits a school board that establishes or contracts for the establishment of a virtual charter school for the attendance of pupils during the 2008-09 school year from allowing more pupils to attend the school through the Open Enrollment Program during the 2008-09 school year than the number that attended the school through that program in the 2007-08 school year. Beginning in the 2009-10 school year, the bill provides that the amount of the state aid adjustment for a pupil attending a virtual charter school through the Open Enrollment Program

BILL

is 50 percent of the amount determined for other pupils. The bill prohibits a school board or any other entity authorized to establish a charter school from establishing or contracting for the establishment of a new virtual charter school that opens for the attendance of pupils before the 2009–10 school year.

The bill directs DPI to make online courses available for a reasonable fee, through a statewide web academy, to school districts, cooperative educational service agencies, charter schools, and private schools. DPI must also establish instructional standards for online courses taken by pupils enrolled in public and charter schools.

The bill directs each school board (or chartering entity, if other than a school board) to do all of the following:

1. Determine which pupils may enroll in an online course, which online courses are available, and the number of online courses a pupil may take.
2. Provide a safe and secure online environment, ensure the confidentiality of pupil coursework and records, and verify the authenticity of pupil coursework.
3. Except for teachers in virtual charter schools in existence on the bill's effective date, assign an appropriately licensed teacher for each online course.
4. Ensure that pupils ~~in grades kindergarten to eight~~ who are enrolled in online courses have direct contact with the teacher, ~~on each day~~ that school is scheduled, for at least ~~two hours or at least~~ 20 minutes for each online course in which the pupil is enrolled, ~~whichever is less.~~
5. Determine the average equivalency hours for online courses.
6. Ensure that only pupils who reside in this state enroll in online courses.

✓
during each week

The bill provides that beginning July 1, 2013, no person may teach an online course in a public or charter school unless he or she has completed a professional development program, approved by DPI, that is designed to prepare a teacher for online teaching.

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 X
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 that provides an online learning program.
- 4 X
SECTION 2. 118.19 (1) of the statutes is amended to read:
- 5 118.19 (1) Any person seeking to teach in a public school, including a charter
- 6 school, or in a school or institution operated by a county or the state shall first procure

BILL

1 a license or permit from the department. This subsection does not apply to any
2 virtual charter school until July 1, 2013. 2009

3 **SECTION 3.** 118.19 (13) of the statutes is created to read:

4 118.19 (13) Beginning July 1, 2013, no person may teach an online course in
5 a public school, including a charter school, unless he or she has completed a
6 professional development program, approved by the department, that is designed to
7 prepare a teacher for online teaching.

8 **SECTION 4.** 118.40 (2r) (bm) of the statutes is amended to read:

9 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
10 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college
11 district board may only establish or enter into a contract for the establishment of a
12 charter school located in the school district operating under ch. 119. The chancellor
13 of the University of Wisconsin-Parkside may only establish or enter into a contract
14 for the establishment of a charter school located in a unified school district that is
15 located in the county in which the University of Wisconsin-Parkside is situated or
16 in an adjacent county. This paragraph does not apply to the establishment of a
17 virtual charter school.

18 **SECTION 5.** 118.40 (2r) (g) of the statutes is created to read:

19 118.40 (2r) (g) If a charter school is established under this subsection, the
20 chartering or contracting entity under par. (b) 1. is responsible for discharging the
21 duties under s. 118.57 (2).

22 **SECTION 6.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and
23 amended to read:

24 118.40 (3) (c) 1. A school board may not enter into a contract for the
25 establishment of a charter school located outside the school district, except that if 2

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1 or more school boards enter into an agreement under s. 66.0301 to establish a charter
 2 school, the charter school shall be located within one of the school districts, and if one
 3 or more school boards enter into an agreement with the board of control of a
 4 cooperative educational service agency to establish a charter school, the charter
 5 school shall be located within the boundaries of the cooperative educational service
 6 agency. This subdivision does not apply to the establishment of a virtual charter
 7 school.

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

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

11 118.40 (8) LOCATION OF VIRTUAL CHARTER SCHOOLS. For the purposes of sub. (7)

12 (a), (am) 1., and (ar), a virtual charter school is considered to be located in the
 13 following school district:

14 (a) If a school board establishes or contracts with a person to establish the
 15 virtual charter school, in the school district governed by that school board.

16 (b) If the common council of the city of Milwaukee, the chancellor of the
 17 University of Wisconsin–Milwaukee, or Milwaukee Area Technical College
 18 establishes or contracts with a person to establish the virtual charter school, in the
 19 school district operating under ch. 119.

20 ~~SECTION 8.~~ 118.51 (2) of the statutes is amended to read:

21 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
 22 charter school, a prekindergarten, 4-year-old kindergarten, or early childhood or
 23 school-operated day care program, in a nonresident school district under this
 24 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
 25 or early childhood or school-operated day care program in a nonresident school

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1 district only if the pupil's resident school district offers the same type of program that
2 the pupil wishes to attend and the pupil is eligible to attend that program in his or
3 her resident school district.

4 **SECTION 9.** 118.51 (16) (b) 3. of the statutes is created to read:

5 118.51 (16) (b) 3. Notwithstanding subds. 1. and 2., if nonresident pupils attend
6 a virtual charter school under this section, the multiplier under subds. 1. and 2. is
7 an amount equal to 50 percent of the amount determined under par. (a) 3.

8 **SECTION 10.** 118.51 (18) of the statutes is created to read:

9 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. For the purposes of this
10 section, a virtual charter school is located in the school district specified in s. 118.40
11 (8) (a).

12 **SECTION 11.** 118.57 of the statutes is created to read:

13 **118.57 Online courses. (1) DEPARTMENT DUTIES.** The department shall do all
14 of the following:

15 (a) Make online courses available for a reasonable fee, through a statewide web
16 academy, to school districts, cooperative educational service agencies, and charter
17 schools and private schools located in this state.

18 (b) Establish instructional standards for all online courses taken by pupils
19 enrolled in public schools, including charter schools, including standards addressing
20 all of the following:

- 21 1. The frequency, length, and type of pupil-teacher contact.
- 22 2. The assessment of pupil progress.
- 23 3. Methods to measure pupil participation.

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1 (c) Make available to school boards an online survey designed to assess a pupil's
2 readiness for online learning and instructional materials designed to improve a
3 pupil's chance of success in online courses.

4 (d) Promulgate rules to implement and administer this section.

5 (2) SCHOOL BOARD DUTIES. Each school board shall do all of the following:

6 (a) Determine which pupils may enroll in an online course, which online
7 courses are available for enrollment, and the number of online courses a pupil may
8 enroll in. The school board may not exclude a pupil from an online course solely
9 because the pupil's parent or guardian will not participate in the online course.

10 (b) Provide a safe and secure online environment and ensure that coursework
11 and records of pupils enrolled in online courses remain confidential.

12 (c) Except as provided under ss. 118.19 (1) and 121.02 (1) (a) 2., assign an
13 appropriately licensed teacher for each online course.

14 (d) Verify the authenticity of pupil coursework in online courses.

15 (e) Determine the average equivalency hours for online courses.

16 (f) Ensure that all pupils enrolled in online courses reside in this state.

17 (g) Ensure that pupils ~~in grades kindergarten to 8~~ who are enrolled in online
18 courses have direct contact with a teacher, each week that school is scheduled, for at
19 least ~~2 hours or at least~~ 20 minutes for each online course in which the pupil is
20 enrolled, ~~whichever is less.~~

21 (h) Adopt a policy on acceptable use of the Internet and communicate it to
22 pupils, parents, and teachers.

23 **SECTION 12.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20,
24 is amended to read:

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1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,
4 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16,
5 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8),
6 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 118.57,
7 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
8 (34), (35), (37), (37m), and (38), 120.14, and 120.25 are applicable to a 1st class city
9 school district and board.

10 **SECTION 13.** 121.02 (1) (a) 2. of the statutes is amended to read:

11 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
12 in the school district, other than virtual charter schools, hold a license or permit to
13 teach issued by the department; and beginning on July 1, 2013, ensure that all
14 instructional staff of virtual charter schools located in the school district, as specified
15 in s. 118.40 (8), hold a license or permit to teach issued by the department. The state
16 superintendent shall promulgate rules defining “instructional staff” for purposes of
17 this subdivision.

18 **SECTION 14. Nonstatutory provisions; virtual charter schools.**

19 (1) In this subsection, “virtual charter school” has the meaning given in section
20 115.001 (16) of the statutes, as created by this act.

21 (2) A school board or entity specified in section 118.40 (2r) (b) 1. of the statutes
22 may not establish or contract for the establishment of a new virtual charter school
23 that opens for the attendance of pupils before the 2009–10 school year.

24 (3) Notwithstanding section 118.51 (3) (a) 2. and (5) (a) 1. of the statutes, a
25 school board that establishes or contracts for the establishment of a virtual charter

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1 school for the attendance of pupils during the 2008-09 school year may not allow
2 more pupils to attend the school through the Open Enrollment Program under
3 section 118.51 of the statutes during the 2008-09 school year than the number of
4 such pupils who attended the school through that program during the 2007-08
5 school year.

6 **SECTION 15. Initial applicability.**

7 (1) The treatment of section 118.51 (16) (b) 3. and (18) of the statutes first
8 applies to state aid adjustments made under section 118.51 (16) of the statutes in the
9 2009-10 school year.

10

(END) ✓

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2007 BILL

1 AN ACT *to renumber and amend* 118.40 (3) (c); *to amend* 118.19 (1), 118.40 (2r)
 2 (bm), 118.51 (2), 118.51 (3) (a) 2., 118.51 (5) (a) 1., 119.04 (1) and 121.02 (1) (a)
 3 2.; and *to create* 115.001 (16), 118.19 (13), 118.40 (2r) (g), 118.40 (4) (d), 118.40
 4 (8) and 118.57 of the statutes; **relating to:** virtual charter schools, online
 5 courses for elementary and secondary school pupils, and granting rule-making
 6 authority.

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). Until July 1, 2009, this bill exempts from this requirement any person who teaches in a virtual charter school. The bill defines a virtual charter school as a charter school that provides an online learning program.

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.

Beginning in the 2009-10 school year, the bill provides that if a school board establishes or contracts for the establishment of a virtual charter school, the school board must ensure that no more than 10 percent of the pupils attending the virtual charter school do so through the Open Enrollment Program. The bill prohibits a school board that establishes or contracts for the establishment of a virtual charter

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1 118.40 (3) (c) 1. A school board may not enter into a contract for the
 2 establishment of a charter school located outside the school district, except that if 2
 3 or more school boards enter into an agreement under s. 66.0301 to establish a charter
 4 school, the charter school shall be located within one of the school districts, and if one
 5 or more school boards enter into an agreement with the board of control of a
 6 cooperative educational service agency to establish a charter school, the charter
 7 school shall be located within the boundaries of the cooperative educational service
 8 agency. This subdivision does not apply to the establishment of a virtual charter
 9 school.

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

12 SECTION 7. 118.40 (4) (d) of the statutes is created to read:

13 118.40 (4) (d) *Virtual charter schools.* Beginning in the 2009-10 school year,
 14 if a school board establishes or contracts for the establishment of a virtual charter
 15 school, the school board shall ensure that no more than 85 percent of the pupils
 16 attending the virtual charter school do so through open enrollment under s. 118.51.

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

18 118.40 (8) LOCATION OF VIRTUAL CHARTER SCHOOLS. For the purposes of sub. (7)
 19 (a), (am) 1., and (ar), a virtual charter school is considered to be located in the
 20 following school district:

21 (a) If a school board establishes or contracts with a person to establish the
 22 virtual charter school, in the school district governed by that school board.

23 (b) If the common council of the city of Milwaukee, the chancellor of the
 24 University of Wisconsin-Milwaukee, or Milwaukee Area Technical College

end of insert 4-9

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1 establishes or contracts with a person to establish the virtual charter school, in the
2 school district operating under ch. 119.

3 **SECTION 9.** 118.51 (2) of the statutes is amended to read:

4 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
5 charter school, a prekindergarten, 4-year-old kindergarten, or early childhood or
6 school-operated day care program, in a nonresident school district under this
7 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
8 or early childhood or school-operated day care program in a nonresident school
9 district only if the pupil's resident school district offers the same type of program that
10 the pupil wishes to attend and the pupil is eligible to attend that program in his or
11 her resident school district.

12 **SECTION 10.** 118.51 (3) (a) 2. of the statutes is amended to read:

13 ✓ 118.51 (3) (a) 2. A nonresident school board may not act on any application
14 received under subd. 1. until after the 3rd Friday following the first Monday in
15 February. If Except as provided in s. 118.40 (4) (d), if a nonresident school board
16 receives more applications for a particular grade or program than there are spaces
17 available in the grade or program, the nonresident school board shall determine
18 which pupils to accept, including pupils accepted from a waiting list under sub. (5)
19 (d), on a random basis, after giving preference to pupils and to siblings of pupils who
20 are already attending public school in the nonresident school district. If a
21 nonresident school board determines that space is not otherwise available for open
22 enrollment pupils in the grade or program to which an individual has applied, the
23 school board may nevertheless accept an applicant who is already attending school
24 in the nonresident school district or a sibling of the applicant.

25 **SECTION 11.** 118.51 (5) (a) 1. of the statutes is amended to read:

insert 5-3
continued
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1 ✓ 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
2 grades within the nonresident school district. In determining the availability of
3 space, the nonresident school board shall comply with the limit under s. 118.40 (4)
4 (d) and may consider criteria such as class size limits, pupil-teacher ratios, or
5 enrollment projections established by the nonresident school board and. The
6 nonresident school board may include in its count of occupied spaces pupils attending
7 the school district for whom tuition is paid under s. 121.78 (1) (a) and pupils and
8 siblings of pupils who have applied under sub. (3) (a) and are already attending
9 public school in the nonresident school district.

10 **SECTION 12.** 118.57 of the statutes is created to read:

11 **118.57 Online courses. (1) DEPARTMENT DUTIES.** The department shall do all
12 of the following:

13 (a) Make online courses available for a reasonable fee, through a statewide web
14 academy, to school districts, cooperative educational service agencies, and charter
15 schools and private schools located in this state.

16 (b) Establish instructional standards for all online courses taken by pupils
17 enrolled in public schools, including charter schools, including standards addressing
18 all of the following:

19 1. The frequency, length, and type of pupil-teacher contact.

20 2. The assessment of pupil progress.

21 3. Methods to measure pupil participation.

22 (c) Make available to school boards an online survey designed to assess a pupil's
23 readiness for online learning and instructional materials designed to improve a
24 pupil's chance of success in online courses.

25 (d) Promulgate rules to implement and administer this section.

end insert 5-3

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CS

4 (3) B

CONTRACTS FOR ONLINE COURSES.

Any

contract entered into by a school board that provides online courses is open to public

available for inspection and copying under

§ 19.35

end insert 6-22

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(PP-2,3,7,9)

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2007 BILL

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1 **AN ACT to renumber and amend** 118.40 (3) (c); **to amend** 118.19 (1), 118.40 (2r)

2 (bm), 118.51 (2), 118.51 (3) (a) 2., 118.51 (5) (a) 1., 119.04 (1) and 121.02 (1) (a)

3 2.; and **to create** 115.001 (16), 118.19 (13), 118.40 (2r) (g), 118.40 (4) (d), 118.40

4 (8), 118.51 (16) (b) 3., 118.51 (18) and 118.57 of the statutes; **relating to:** online

5 courses for elementary and secondary school pupils and granting rule-making

6 authority.

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). Until July 1, 2009, this bill exempts from this requirement any person who teaches in a virtual charter school. The bill defines a virtual charter school as a charter school that provides an online learning program.

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.

Beginning in the 2009-10 school year, the bill provides that if a school board establishes or contracts for the establishment of a virtual charter school, the school board must ensure that no more than 85 percent of the pupils attending the virtual charter school do so through the Open Enrollment Program. The bill prohibits a school board that establishes or contracts for the establishment of a virtual charter

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school for the attendance of pupils during the 2008-09 school year from allowing more pupils to attend the school through the Open Enrollment Program during the 2008-09 school year than the number that attended the school through that program in the 2007-08 school year. Beginning in the 2009-10 school year, the bill provides that the amount of the state aid adjustment for a pupil attending a virtual charter school through the Open Enrollment Program is 50 percent of the amount determined for other pupils. The bill prohibits a school board or any other entity authorized to establish a charter school from establishing or contracting for the establishment of a new virtual charter school that opens for the attendance of pupils before the 2009-10 school year.

The bill directs DPI to make online courses available for a reasonable fee, through a statewide web academy, to school districts, cooperative educational service agencies, charter schools, and private schools. DPI must also establish instructional standards for online courses taken by pupils enrolled in public and charter schools.

The bill directs each school board (or chartering entity, if other than a school board) to do all of the following:

1. Determine which pupils may enroll in an online course, which online courses are available, and the number of online courses a pupil may take.
2. Provide a safe and secure online environment, ensure the confidentiality of pupil coursework and records, and verify the authenticity of pupil coursework.
3. Except for teachers in virtual charter schools in existence on the bill's effective date, assign an appropriately licensed teacher for each online course.
4. Ensure that pupils who are enrolled in online courses have direct contact with the teacher, during each ^{day} week that school is scheduled, for at least 20 minutes for each online course in which the pupil is enrolled.
5. Determine the average equivalency hours for online courses.
6. Ensure that only pupils who reside in this state enroll in online courses.

The bill provides that beginning July 1, 2013, no person may teach an online course in a public or charter school unless he or she has completed a professional development program, approved by DPI, that is designed to prepare a teacher for online teaching.

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.** 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 that provides an online learning program.

4 **SECTION 2.** 118.19 (1) of the statutes is amended to read:

and that high school pupils have direct contact with the teacher for at least 30 minutes a day for each online course

elementary school

two hours

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1 118.19 (1) Any person seeking to teach in a public school, including a charter
 2 school, or in a school or institution operated by a county or the state shall first procure
 3 a license or permit from the department. This subsection does not apply to any^a
 4 virtual charter school until July 1, 2009.

5 **SECTION 3.** 118.19 (13) of the statutes is created to read:

6 118.19 (13) Beginning July 1, 2013, no person may teach an online course in
 7 a public school, including a charter school, unless he or she has completed a
 8 professional development program, approved by the department, that is designed to
 9 prepare a teacher for online teaching.

10 **SECTION 4.** 118.40 (2r) (bm) of the statutes is amended to read:

11 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
 12 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college
 13 district board may only establish or enter into a contract for the establishment of a
 14 charter school located in the school district operating under ch. 119. The chancellor
 15 of the University of Wisconsin-Parkside may only establish or enter into a contract
 16 for the establishment of a charter school located in a unified school district that is
 17 located in the county in which the University of Wisconsin-Parkside is situated or
 18 in an adjacent county. This paragraph does not apply to the establishment of a
 19 virtual charter school.

20 **SECTION 5.** 118.40 (2r) (g) of the statutes is created to read:

21 118.40 (2r) (g) If a charter school is established under this subsection, the
 22 chartering or contracting entity under par. (b) 1. is responsible for discharging the
 23 duties under s. 118.57 (2) ^{and s. 118.57 (3) applies to any contract that relates to providing}
 24 ^{online courses}

25 **SECTION 6.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and
 amended to read:

BILL

1 118.40 (3) (c) 1. A school board may not enter into a contract for the
2 establishment of a charter school located outside the school district, except that if 2
3 or more school boards enter into an agreement under s. 66.0301 to establish a charter
4 school, the charter school shall be located within one of the school districts, and if one
5 or more school boards enter into an agreement with the board of control of a
6 cooperative educational service agency to establish a charter school, the charter
7 school shall be located within the boundaries of the cooperative educational service
8 agency. This subdivision does not apply to the establishment of a virtual charter
9 school.

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

12 **SECTION 7.** 118.40 (4) (d) of the statutes is created to read:

13 118.40 (4) (d) *Virtual charter schools.* Beginning in the 2009–10 school year,
14 if a school board establishes or contracts for the establishment of a virtual charter
15 school, the school board shall ensure that no more than 85 percent of the pupils
16 attending the virtual charter school do so through open enrollment under s. 118.51.

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

18 118.40 (8) LOCATION OF VIRTUAL CHARTER SCHOOLS. For the purposes of sub. (7)
19 (a), (am) 1., and (ar), a virtual charter school is considered to be located in the
20 following school district:

21 (a) If a school board establishes or contracts with a person to establish the
22 virtual charter school, in the school district governed by that school board.

23 (b) If the common council of the city of Milwaukee, the chancellor of the
24 University of Wisconsin–Milwaukee, or Milwaukee Area Technical College

BILL

1 establishes or contracts with a person to establish the virtual charter school, in the
2 school district operating under ch. 119.

3 **SECTION 9.** 118.51 (2) of the statutes is amended to read:

4 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
5 charter school, a prekindergarten, 4-year-old kindergarten, or early childhood or
6 school-operated day care program, in a nonresident school district under this
7 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
8 or early childhood or school-operated day care program in a nonresident school
9 district only if the pupil's resident school district offers the same type of program that
10 the pupil wishes to attend and the pupil is eligible to attend that program in his or
11 her resident school district.

12 **SECTION 10.** 118.51 (3) (a) 2. of the statutes is amended to read:

13 118.51 (3) (a) 2. A nonresident school board may not act on any application
14 received under subd. 1. until after the 3rd Friday following the first Monday in
15 February. If Except as provided in s. 118.40 (4) (d), if a nonresident school board
16 receives more applications for a particular grade or program than there are spaces
17 available in the grade or program, the nonresident school board shall determine
18 which pupils to accept, including pupils accepted from a waiting list under sub. (5)
19 (d), on a random basis, after giving preference to pupils and to siblings of pupils who
20 are already attending public school in the nonresident school district. If a
21 nonresident school board determines that space is not otherwise available for open
22 enrollment pupils in the grade or program to which an individual has applied, the
23 school board may nevertheless accept an applicant who is already attending school
24 in the nonresident school district or a sibling of the applicant.

25 **SECTION 11.** 118.51 (5) (a) 1. of the statutes is amended to read:

BILL**SECTION 11**

1 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
2 grades within the nonresident school district. In determining the availability of
3 space, the nonresident school board shall comply with the limit under s. 118.40 (4)
4 (d) and may consider criteria such as class size limits, pupil-teacher ratios, or
5 enrollment projections established by the nonresident school board and. The
6 nonresident school board may include in its count of occupied spaces pupils attending
7 the school district for whom tuition is paid under s. 121.78 (1) (a) and pupils and
8 siblings of pupils who have applied under sub. (3) (a) and are already attending
9 public school in the nonresident school district.

10 **SECTION 12.** 118.51 (16) (b) 3. of the statutes is created to read:

11 118.51 (16) (b) 3. Notwithstanding subs. 1. and 2., if nonresident pupils attend
12 a virtual charter school under this section, the multiplier under subs. 1. and 2. is
13 an amount equal to 50 percent of the amount determined under par. (a) 3.

14 **SECTION 13.** 118.51 (18) of the statutes is created to read:

15 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. For the purposes of this
16 section, a virtual charter school is located in the school district specified in s. 118.40
17 (8) (a).

18 **SECTION 14.** 118.57 of the statutes is created to read:

19 **118.57 Online courses. (1) DEPARTMENT DUTIES.** The department shall do all
20 of the following:

21 (a) Make online courses available for a reasonable fee, through a statewide web
22 academy, to school districts, cooperative educational service agencies, and charter
23 schools and private schools located in this state.

BILL

1 (b) Establish instructional standards for all online courses taken by pupils
2 enrolled in public schools, including charter schools, including standards addressing
3 all of the following:

- 4 1. The frequency, length, and type of pupil-teacher contact.
- 5 2. The assessment of pupil progress.
- 6 3. Methods to measure pupil participation.

7 (c) Make available to school boards an online survey designed to assess a pupil's
8 readiness for online learning and instructional materials designed to improve a
9 pupil's chance of success in online courses.

10 (d) Promulgate rules to implement and administer this section.

11 (2) SCHOOL BOARD DUTIES. Each school board shall do all of the following:

12 (a) Determine which pupils may enroll in an online course, which online
13 courses are available for enrollment, and the number of online courses a pupil may
14 enroll in. The school board may not exclude a pupil from an online course solely
15 because the pupil's parent or guardian will not participate in the online course.

16 (b) Provide a safe and secure online environment and ensure that coursework
17 and records of pupils enrolled in online courses remain confidential.

18 (c) Except as provided under ss. 118.19 (1) and 121.02 (1) (a) 2., assign an
19 appropriately licensed teacher for each online course.

20 (d) Verify the authenticity of pupil coursework in online courses.

21 (e) Determine the average equivalency hours for online courses.

22 (f) Ensure that all pupils enrolled in online courses reside in this state.

23 (g) Ensure that pupils ^{1. in the high school grades} who are enrolled in ^{an} online courses have direct contact
24 with a teacher, each ^{day} week that school is scheduled, for at least ³⁰ 20 minutes for each
25 online course in which the pupil is enrolled.

7-25 →

BILL

1 (h) Adopt a policy on acceptable use of the Internet and communicate it to
2 pupils, parents, and teachers.

3 (3) CONTRACTS FOR ONLINE COURSES. Any contract entered into by a school board
4 that relates to providing online courses is open to public inspection and copying
5 under s. 19.35.

6 **SECTION 15.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20,
7 is amended to read:

8 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
9 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
10 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,
11 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16,
12 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8),
13 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 118.57,
14 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
15 (34), (35), (37), (37m), and (38), 120.14, and 120.25 are applicable to a 1st class city
16 school district and board.

17 **SECTION 16.** 121.02 (1) (a) 2. of the statutes is amended to read:

18 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
19 in the school district, other than virtual charter schools, hold a license or permit to
20 teach issued by the department; and beginning on July 1, 2009, ensure that all
21 instructional staff of virtual charter schools located in the school district, as specified
22 in s. 118.40 (8), hold a license or permit to teach issued by the department. The state
23 superintendent shall promulgate rules defining “instructional staff” for purposes of
24 this subdivision.

25 **SECTION 17. Nonstatutory provisions; virtual charter schools.**

BILL

(a)

1 (1) In this subsection, "virtual charter school" has the meaning given in section
2 115.001 (16) of the statutes, as created by this act.

3 (b) (2) A school board or entity specified in section 118.40 (2r) (b) 1. of the statutes
4 may not establish or contract for the establishment of a new virtual charter school
5 that opens for the attendance of pupils before the 2009–10 school year.

6 (c) (3) Notwithstanding section 118.51 (3) (a) 2. and (5) (a) 1. of the statutes, a
7 school board that establishes or contracts for the establishment of a virtual charter
8 school for the attendance of pupils during the 2008–09 school year may not allow
9 more pupils to attend the school through the Open Enrollment Program under
10 section 118.51 of the statutes during the 2008–09 school year than the number of
11 such pupils who attended the school through that program during the 2007–08
12 school year.

SECTION 18. Initial applicability.

13 (1) The treatment of section 118.51 (16) (b) 3. and (18) of the statutes first
14 applies to state aid adjustments made under section 118.51 (16) of the statutes in the
15 2009–10 school year.
16

17 (END)

Change
to
new text
text. vs.
par

→

7-25

2. Ensure that pupils ^{in the elementary grades} who are enrolled in

an online course have direct contact with a teacher,

each day that school is scheduled, for at least

start → ^{two} 2 hours for each online course in which the
pupil is enrolled.

Grant, Peter

From: Dauscher, Sara
Sent: Thursday, January 10, 2008 10:06 AM
To: Grant, Peter
Cc: Kammerud, Jennifer A - DPI
Subject: lrb-3144, continued

Hi Peter,

I just noticed a problem with the latest draft. On page 8, lines 1-6, it talks about contact time for students. Unfortunately, the current draft doesn't meet our intent. The /5 required elementary students to get 2 hours contact not per day, but per course. And for high school students to get 30 min per course instead of week.

This is what I put together for a fact sheet on the bill and what it should do.

- Requires 2 hours of teacher-student contact per school day for kindergarten through eighth grade.
- In grades nine through twelve, requires 30 minutes of teacher-student contact per day for full-time students and 20 minutes per week per course for part time students.

Can we get a /6 ASAP that does this? We circulated it today and then I noticed the problem a little bit later, so I'd like to get a correction out soon.

Thanks,
Sara

Sara S. Dauscher
Office of Senator John Lehman
310 South, State Capitol
Madison, WI 53708

608.266.1832
sara.dauscher@legis.wisconsin.gov

p/t K-12 20 min / wk / per course

p/t K-8 2 hrs / day

f/t 9-12 30 min / day

1:30 PM
TODAY

26
stay

2007 BILL

Insert

SA ✓

reg. cut.

1 **AN ACT to renumber and amend** 118.40 (3) (c); **to amend** 118.19 (1), 118.40 (2r)

2 (bm), 118.51 (2), 118.51 (3) (a) 2., 118.51 (5) (a) 1., 119.04 (1) and 121.02 (1) (a)

3 2.; and **to create** 115.001 (16), 118.19 (13), 118.40 (2r) (g), 118.40 (4) (d), 118.40

4 (8), 118.51 (16) (b) 3., 118.51 (18) and 118.57 of the statutes; **relating to:** online

5 courses for elementary and secondary school pupils and granting rule-making

6 authority.

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). Until July 1, 2009, this bill exempts from this requirement any person who teaches in a virtual charter school. The bill defines a virtual charter school as a charter school that provides an online learning program.

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.

Beginning in the 2009-10 school year, the bill provides that if a school board establishes or contracts for the establishment of a virtual charter school, the school board must ensure that no more than 85 percent of the pupils attending the virtual charter school do so through the Open Enrollment Program. The bill prohibits a school board that establishes or contracts for the establishment of a virtual charter

BILL

school for the attendance of pupils during the 2008-09 school year from allowing more pupils to attend the school through the Open Enrollment Program during the 2008-09 school year than the number that attended the school through that program in the 2007-08 school year. Beginning in the 2009-10 school year, the bill provides that the amount of the state aid adjustment for a pupil attending a virtual charter school through the Open Enrollment Program is 50 percent of the amount determined for other pupils. The bill prohibits a school board or any other entity authorized to establish a charter school from establishing or contracting for the establishment of a new virtual charter school that opens for the attendance of pupils before the 2009-10 school year.

The bill directs DPI to make online courses available for a reasonable fee, through a statewide web academy, to school districts, cooperative educational service agencies, charter schools, and private schools. DPI must also establish instructional standards for online courses taken by pupils enrolled in public and charter schools.

The bill directs each school board (or chartering entity, if other than a school board) to do all of the following:

1. Determine which pupils may enroll in an online course, which online courses are available, and the number of online courses a pupil may take.
2. Provide a safe and secure online environment, ensure the confidentiality of pupil coursework and records, and verify the authenticity of pupil coursework.
3. Except for teachers in virtual charter schools in existence on the bill's effective date, assign an appropriately licensed teacher for each online course.
- * 4. Ensure that elementary school pupils who are enrolled in online courses have direct contact with the teacher during each day that school is scheduled for at least two hours for each online course in which the pupil is enrolled and that high school pupils have direct contact with the teacher for at least 30 minutes a day for each online course that school is scheduled.
5. Determine the average equivalency hours for online courses.
6. Ensure that only pupils who reside in this state enroll in online courses.

The bill provides that beginning July 1, 2013, no person may teach an online course in a public or charter school unless he or she has completed a professional development program, approved by DPI, that is designed to prepare a teacher for online teaching.

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. 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 that provides an online learning program.

Ensure that pupils enrolled part-time in online courses have direct contact with a teacher each week school is scheduled for at least 20 minutes for each online course

enrolled full-time in online courses

for at least two hours

full-time

ensure

each

that school is scheduled

BILL

1 **SECTION 2.** 118.19 (1) of the statutes is amended to read:

2 118.19 (1) Any person seeking to teach in a public school, including a charter
3 school, or in a school or institution operated by a county or the state shall first procure
4 a license or permit from the department. This subsection does not apply to a virtual
5 charter school until July 1, 2009.

6 **SECTION 3.** 118.19 (13) of the statutes is created to read:

7 118.19 (13) Beginning July 1, 2013, no person may teach an online course in
8 a public school, including a charter school, unless he or she has completed a
9 professional development program, approved by the department, that is designed to
10 prepare a teacher for online teaching.

11 **SECTION 4.** 118.40 (2r) (bm) of the statutes is amended to read:

12 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
13 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college
14 district board may only establish or enter into a contract for the establishment of a
15 charter school located in the school district operating under ch. 119. The chancellor
16 of the University of Wisconsin-Parkside may only establish or enter into a contract
17 for the establishment of a charter school located in a unified school district that is
18 located in the county in which the University of Wisconsin-Parkside is situated or
19 in an adjacent county. This paragraph does not apply to the establishment of a
20 virtual charter school.

21 **SECTION 5.** 118.40 (2r) (g) of the statutes is created to read:

22 118.40 (2r) (g) If a charter school is established under this subsection, the
23 chartering or contracting entity under par. (b) 1. is responsible for discharging the
24 duties under s. 118.57 (2) and s. 118.57 (3) applies to any contract entered into by the
25 chartering or contracting entity that relates to providing online courses.

BILL

SECTION 6



1 **SECTION 6.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and
2 amended to read:

3 118.40 (3) (c) 1. A school board may not enter into a contract for the
4 establishment of a charter school located outside the school district, except that if 2
5 or more school boards enter into an agreement under s. 66.0301 to establish a charter
6 school, the charter school shall be located within one of the school districts, and if one
7 or more school boards enter into an agreement with the board of control of a
8 cooperative educational service agency to establish a charter school, the charter
9 school shall be located within the boundaries of the cooperative educational service
10 agency. This subdivision does not apply to the establishment of a virtual charter
11 school.

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

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

15 118.40 (4) (d) *Virtual charter schools.* Beginning in the 2009–10 school year,
16 if a school board establishes or contracts for the establishment of a virtual charter
17 school, the school board shall ensure that no more than 85 percent of the pupils
18 attending the virtual charter school do so through open enrollment under s. 118.51.

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

20 118.40 (8) **LOCATION OF VIRTUAL CHARTER SCHOOLS.** For the purposes of sub. (7)
21 (a), (am) 1., and (ar), a virtual charter school is considered to be located in the
22 following school district:

23 (a) If a school board establishes or contracts with a person to establish the
24 virtual charter school, in the school district governed by that school board.

BILL

1 (b) If the common council of the city of Milwaukee, the chancellor of the
2 University of Wisconsin-Milwaukee, or Milwaukee Area Technical College
3 establishes or contracts with a person to establish the virtual charter school, in the
4 school district operating under ch. 119.

5 **SECTION 9.** 118.51 (2) of the statutes is amended to read:

6 118.51 (2) APPLICABILITY. A pupil may attend a public school, including a
7 charter school, a prekindergarten, 4-year-old kindergarten, or early childhood or
8 school-operated day care program, in a nonresident school district under this
9 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
10 or early childhood or school-operated day care program in a nonresident school
11 district only if the pupil's resident school district offers the same type of program that
12 the pupil wishes to attend and the pupil is eligible to attend that program in his or
13 her resident school district.

14 **SECTION 10.** 118.51 (3) (a) 2. of the statutes is amended to read:

15 118.51 (3) (a) 2. A nonresident school board may not act on any application
16 received under subd. 1. until after the 3rd Friday following the first Monday in
17 February. If Except as provided in s. 118.40 (4) (d), if a nonresident school board
18 receives more applications for a particular grade or program than there are spaces
19 available in the grade or program, the nonresident school board shall determine
20 which pupils to accept, including pupils accepted from a waiting list under sub. (5)
21 (d), on a random basis, after giving preference to pupils and to siblings of pupils who
22 are already attending public school in the nonresident school district. If a
23 nonresident school board determines that space is not otherwise available for open
24 enrollment pupils in the grade or program to which an individual has applied, the

BILL**SECTION 10**

1 school board may nevertheless accept an applicant who is already attending school
2 in the nonresident school district or a sibling of the applicant.

3 **SECTION 11.** 118.51 (5) (a) 1. of the statutes is amended to read:

4 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
5 grades within the nonresident school district. In determining the availability of
6 space, the nonresident school board shall comply with the limit under s. 118.40 (4)
7 (d) and may consider criteria such as class size limits, pupil-teacher ratios, or
8 enrollment projections established by the nonresident school board and. The
9 nonresident school board may include in its count of occupied spaces pupils attending
10 the school district for whom tuition is paid under s. 121.78 (1) (a) and pupils and
11 siblings of pupils who have applied under sub. (3) (a) and are already attending
12 public school in the nonresident school district.

13 **SECTION 12.** 118.51 (16) (b) 3. of the statutes is created to read:

14 118.51 (16) (b) 3. Notwithstanding subds. 1. and 2., if nonresident pupils attend
15 a virtual charter school under this section, the multiplier under subds. 1. and 2. is
16 an amount equal to 50 percent of the amount determined under par. (a) 3.

17 **SECTION 13.** 118.51 (18) of the statutes is created to read:

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

21 **SECTION 14.** 118.57 of the statutes is created to read:

22 **118.57 Online courses. (1) DEPARTMENT DUTIES.** The department shall do all
23 of the following:

BILL

1 (a) Make online courses available for a reasonable fee, through a statewide web
2 academy, to school districts, cooperative educational service agencies, and charter
3 schools and private schools located in this state.

4 (b) Establish instructional standards for all online courses taken by pupils
5 enrolled in public schools, including charter schools, including standards addressing
6 all of the following:

7 1. The frequency, length, and type of pupil-teacher contact.

8 2. The assessment of pupil progress.

9 3. Methods to measure pupil participation.

10 (c) Make available to school boards an online survey designed to assess a pupil's
11 readiness for online learning and instructional materials designed to improve a
12 pupil's chance of success in online courses.

13 (d) Promulgate rules to implement and administer this section.

14 **(2) SCHOOL BOARD DUTIES.** Each school board shall do all of the following:

15 (a) Determine which pupils may enroll in an online course, which online
16 courses are available for enrollment, and the number of online courses a pupil may
17 enroll in. The school board may not exclude a pupil from an online course solely
18 because the pupil's parent or guardian will not participate in the online course.

19 (b) Provide a safe and secure online environment and ensure that coursework
20 and records of pupils enrolled in online courses remain confidential.

21 (c) Except as provided under ss. 118.19 (1) and 121.02 (1) (a) 2., assign an
22 appropriately licensed teacher for each online course.

23 (d) Verify the authenticity of pupil coursework in online courses.

24 (e) Determine the average equivalency hours for online courses.

25 (f) Ensure that all pupils enrolled in online courses reside in this state.

BILL

1 teach issued by the department; and beginning on July 1, 2009, ensure that all
2 instructional staff of virtual charter schools located in the school district, as specified
3 in s. 118.40 (8), hold a license or permit to teach issued by the department. The state
4 superintendent shall promulgate rules defining “instructional staff” for purposes of
5 this subdivision.

SECTION 17. Nonstatutory provisions; virtual charter schools.

6
7 (1) (a) In this subsection, “virtual charter school” has the meaning given in
8 section 115.001 (16) of the statutes, as created by this act.

9 (b) A school board or entity specified in section 118.40 (2r) (b) 1. of the statutes
10 may not establish or contract for the establishment of a new virtual charter school
11 that opens for the attendance of pupils before the 2009–10 school year.

12 (c) Notwithstanding section 118.51 (3) (a) 2. and (5) (a) 1. of the statutes, a
13 school board that establishes or contracts for the establishment of a virtual charter
14 school for the attendance of pupils during the 2008–09 school year may not allow
15 more pupils to attend the school through the Open Enrollment Program under
16 section 118.51 of the statutes during the 2008–09 school year than the number of
17 such pupils who attended the school through that program during the 2007–08
18 school year.

SECTION 18. Initial applicability.

19
20 (1) The treatment of section 118.51 (16) (b) 3. and (18) of the statutes first
21 applies to state aid adjustments made under section 118.51 (16) of the statutes in the
22 2009–10 school year.

23 (END)

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

8-3

20 Ensure that a pupil in the high school grades who is enrolled full^{hyphen}-time in online

courses has direct contact with a teacher for

at least 30 minutes

each day that school is scheduled. ~~for at~~

~~at least 30 minutes for each online course in~~

~~which the pupil is enrolled.~~

end of insert 8-3

Duerst, Christina

From: Dauscher, Sara
Sent: Thursday, January 10, 2008 1:51 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3144/6 Topic: Regulation of online courses

Please rush. And feel free to disregard the request for /5 being jacketed.

Please Jacket LRB 07-3144/6 for the SENATE.

OK per P.G.