

Date (time) needed

Wed. 12/29 am LRB - 0584, P1

BILL

DN

PG : cjs :

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: . . . creating a Charter School Authorizing Board; . . . providing additional charter school authorizers; . . . eliminating the limit on the number of pupils attending virtual charter schools, modifying teacher licensure

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

requirements, covering certain charter

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

→ (prelim)

school employees under the Group Insurance Board health coverage plan for local government employees making an appropriation

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

SECTION #.

, granting rulemaking authority ↑ and

¶ SEC. #. CR. 15.07 (1)(a)7.

¶ 15.07(1)(a)7. <sup>(B)</sup> Members of the charter school <sup>authorizing</sup> board appointed under s. 15.56 shall be appointed as provided in that section.

~~SEC. RP; 118.40 (2r) (b) 4.~~

~~SEC. AM; 118.40 (2r) (b) 4.~~

✓

⑨

SEC. #. CR. 15.56

③

authorizing

⑨

15.56 Charter school board. (1) There is

③

authorizing

created a charter school board consisting of

consisting of

for 3-year terms:

the following members appointed (1) (a) Three members ~~shall be~~ appointed by the governor.(b) Three members ~~shall be~~ appointed by the senate majority leader.

(c) Three members appointed by the

speaker of the assembly.

no more than 2 of whom may belong to the same political party

(use 3x)

⑨ (2) The appointing authorities under

sub (1) shall ensure to the extent feasible that appointed

members to the board are geographically diverse and have experience and expertise in governing public and nonprofit organizations; in management and finance; in public school leadership; assessment; and curriculum and instruction; and in education law; and understand and are committed to the use of charter schools to

⑨ (3) No member of the board may serve more than 2 consecutive terms.

strengthen public education.

④ <sup>②</sup>  
(4) the board does not have rulemaking  
authority.

9

SEC. # CR; 20.265

9

20.265 charter school board.

There is  
authorizing

appropriated to the charter school board for

the following programs:

9

(1) SUPPORT OF CHARTER SCHOOLS.

(4) General

program operations. The amounts in the schedule  
for general program operations of the charter  
school board.

~~9~~

NO 9

(g) Oversight. All moneys received as

118.40(9)(b)

fees under s. 118.40(9)(b) to perform its

oversight  
functions

under s. 118.40(9)(b)

9

(h) Gifts and grants. All moneys

received from gifts and grants for the purposes

for which made.

**BILL**

For further information see the *state* 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. 20.515 (1) (g) of the statutes is created to read:

2 20.515 (1) (g) *Benefit and coverage payments; ~~small employer~~ health care*  
3 *coverage.* All moneys received from ~~small employers~~ *charter school governing boards* under s. 40.515 who elect to  
4 provide coverage for their employees in a health care coverage plan under s. 40.51  
5 <sup>1</sup> ~~(g)~~, for the payment of benefits and the cost of administering benefits under s. 40.515.

6 SECTION 2. 40.51 (1) of the statutes is amended to read:

7 40.51 (1) The procedures and provisions pertaining to enrollment, premium  
8 transmitted and coverage of eligible employees and employees eligible for health  
9 care coverage under s. 40.515 for health care benefits shall be established by contract  
10 or rule except as otherwise specifically provided by this chapter.

11 SECTION 3. 40.515 of the statutes is created to read:

12 **40.515 Health care coverage for individuals employed by small**  
13 **employers.** (1) In this section, "small employer" means any person who is not an  
14 employer, as defined in s. 40.02 (28), and whose average annual receipts, calculated  
15 over the most recent 3-year period, are less than \$30,000,000, including receipts of  
16 any affiliate or subsidiary.

17 (2) Beginning on the January 1 that first occurs after the effective date of this  
18 subsection .... [LRB inserts date], any small employer located in this state may elect  
19 coverage for its employees under any health care coverage plan offered to state

20.923 (4)(e) 1c.  
⑨ SEC. #. CR. 20.923 (4)(e) 1c.

⑨ 20.923 <sup>ⓑ</sup>(4)(e) 1c. Charter school board:

executive director.

authorizing

<use 2x>

20.923 (6)(a) 1m  
⑨ SEC. #. CR. 20.923 (6)(a) 1m

⑨ 20.923 <sup>ⓑ</sup>(6)(a) 1m Charter school board:

unclassified professional staff.

*exec  
school  
board*

*unclassified  
professional  
staff*

Section #. 20.923 (6) (m) of the statutes is amended to read:



20.923 (6) (m) University of Wisconsin System: deans, principals, professors, instructors, research assistants, librarians and other teachers, as defined in s. 40.02 (55), the staff of the environmental education board, and instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s.

118.40 (2r) (cm) , 2009 stats

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 616 to 630, 9121 (6) (a); 2007 a. 196; 2009 a. 28, 180.



LA

④

Sec. #. CR. 32.02(14)

④

32.02<sup>③</sup>(14) Any charter school governing board

under contract with the charter school authorizing

board; for use as a charter school; as

118.40 (9)(c).

provided in s. 118.40 (9)(c).

**BILL**

For further information see the *state* 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:*

**SECTION 1.** 20.515 (1) (g) of the statutes is created to read:

20.515 (1) (g) *Benefit and coverage payments; small employer health care coverage.* All moneys received from small employers under s. 40.515 who elect to provide coverage for their employees in a health care coverage plan under s. 40.51 (6), for the payment of benefits and the cost of administering benefits under s. 40.515.

**SECTION 2.** 40.51 (1) of the statutes is amended to read:

40.51 (1) The procedures and provisions pertaining to enrollment, premium transmitted and coverage of eligible employees and employees eligible for health care coverage under s. 40.515 for health care benefits shall be established by contract or rule except as otherwise specifically provided by this chapter.

**SECTION 3.** 40.515 of the statutes is created to read:

**40.515 Health care coverage for individuals employed by ~~small~~**

~~employers.~~ (1) In this section, "small employer" means any person who is not an employer, as defined in s. 40.02 (28), and whose average annual receipts, calculated over the most recent 3-year period, are less than \$30,000,000, including receipts of any affiliate or subsidiary.

(1) Beginning on the January 1 that first occurs after the effective date of this subsection .... [LRB inserts date], any ~~small employer~~ located in this state may elect coverage for its employees under any health care coverage plan offered to ~~state~~

charter school governing boards (B)

charter school governing board operating a charter school under contract with the charter school authorizing board local government

no 9

**BILL**

① employees under s. 40.51 (~~§~~<sup>7</sup>), during any applicable enrollment period, subject to any  
2 conditions established by contract or by rule under s. 40.51 (1).

3

~~GENERAL~~

NEW INSERT

Section #. 111.81 (7) (f) of the statutes is amended to read:

111.81 (7) (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm)

**History:** 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16; 2003 a. 33 ss. 1987m, 1988m, 9160; 2009 a. 28.

2009 stats

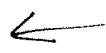
✓

NEW INSERT

Section #. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements, the office, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) <sup>is</sup> ~~is~~ <sup>2009 statute</sup> responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.

History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27; 2001 a. 16, 104; 2003 a. 33; 2009 a. 28.



NEW INSERT

Section #. 111.825 (2) (f) of the statutes is amended to read:

111.825 (2) (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm)

**History:** 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24; 2001 a. 16; 2005 a. 253; 2009 a. 28.

2009 Stats

✓

NEW INSERT

Section #. 111.92 (1) (c) of the statutes is amended to read:

2009 stats. 5

111.92 (1) (c) Any tentative agreement reached between the governing board of the charter school established by contract under s. 118.40 (2r) (cm), acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (2) (f) shall, after official ratification by the labor organization and approval by the chancellor of the University of Wisconsin–Parkside, be executed by the parties.

**History:** 1971 c. 270; 1977 c. 196 s. 130 (9); 1981 c. 20 s. 2202 (33) (b); 1981 c. 126, 391; 1985 a. 42 s. 29; 1989 a. 336; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2009 a. 28.

✓

Section #. 115.001 (1) of the statutes is amended to read:

115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s. 118.40 (2r) (b).~~

**History:** 1983 a. 189 ss. 172, 173, 175 to 177; 1983 a. 512; 1985 a. 225; 1985 a. 332 s. 151; 1987 a. 264; 1989 a. 114; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3846, 9145 (1); 1997 a. 27, 164; 1999 a. 22, 83; 2007 a. 222; 2009 a. 160, 302.



~~A~~ x

⑦

SEC. #. CR; 118.19 (14)

③

⑦

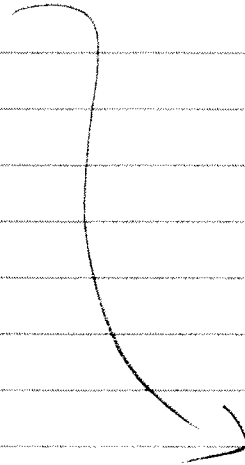
118.19 (14)(a) Any person who holds a teaching

license issued by the department may perform

instructional duty grade level

any instructional duty at any grade level in a

charter school.



⑨

(b) Any person who does not hold a ~~valid teaching license~~ issued by the department may be employed as instructional staff in a charter school if he or she obtains ~~an~~ a charter school instructional staff permit from the department.

The department shall promulgate ~~promulgates~~ rules

a. A charter school governing board requests the permit, following a search for a qualified, licensed person.

b. The person seeking the permit has a bachelor's degree <sup>?</sup> or has formal <sup>proof of</sup> mastery in a trade that he or she is assigned to teach.

c. Except as provided in sub. 2., the person seeking the permit completes 6 credits

establishing <sup>the</sup> requirements for obtaining  
a charter school instructional staff

permit. The department <sup>may</sup> require that  
an applicant have a bachelor's degree  
an applicant ~~to~~ have a bachelor's degree; ~~it~~

but may not require that the degree be  
in the subject that is  
assigned to teach or in a related  
field.

→ limit the subjects that the applicant  
may teach based upon the applicant's <sup>major</sup> major  
field of study.

SEC. #. CR; 118.395 <sup>^</sup> authorizing <sup>ⓑ</sup> <sup>ⓑ</sup>

39.13 Board staff. <sup>ⓐ</sup> 118.395 charter school board; executive director; staff. <sup>ⓐ</sup>  
charter school authorizing

<sup>no 77</sup> (1) The educational communications board shall appoint an executive director outside the classified service. The executive director shall coordinate the activities and execute the program and orders of the board, maintain liaison with the various federal and state agencies interested in the system of state radio and television broadcasting and exercise such further powers, functions and duties as the board prescribes.

of the charter school authorizing board

(2) The executive director may employ ~~a deputy director, the number of division administrators specified in s. 220.08 (2)(c) and~~ professional staff members outside the classified service. Subject to authorization under s. 16.505, the executive director may employ additional professional staff members for development and grant projects outside the classified service or for other purposes within the classified service.

4

This material stays

New insert

Section #. 118.40 (2m) (a) of the statutes is amended to read:

nonprofit corporation

118.40 (2m) (a) A school board may on its own initiative contract with a ~~person~~ to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

X

Section #. 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

118.40 (2r) (b) 1. (intro.) <sup>Any</sup> ~~All~~ of the following entities may ~~establish by charter and operate a~~  
~~charter school or, on behalf of their respective entities, may initiate a~~ contract with ~~an individual or~~  
~~group~~ to operate a ~~school as a~~ charter school:

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s.  
672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

strike

91

SEC. #. RP.

(2r) (b)

118.40 (2r) (b) b b c and d

a nonprofit corporation

~~SEC RP. 118.40 (2r) (b) 1-2~~

⑨ SEC. #. CR 118.40 (2r) (b) 1. e. to j.  
118.40 (2r) (b) 1.

⑨ 118.40 (2r) (b) 1.

e. The board of control of  
a cooperative educational  
service agency.

⑨ f. The charter school/ board. <sup>authorizing</sup>

⑨ g. A private college or university  
that is a member of the Wisconsin Association of  
Independent Colleges and Universities.

⑨ h. A technical college district board.

⑨ i. The chancellor of an institution  
within the University of Wisconsin System.

⑨ j. The dean of a college campus  
within the University of Wisconsin System.

SEC. #. AM; 118.40 (2r) (b) 2.



(2m) SCHOOL BOARD INITIATIVE. (a) A school board may on its own initiative contract with a person to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties.

(am) At least 30 days before entering in a contract under this subsection that would convert a private school to a charter school or that would establish a charter school that is not an instrumentality of the school district, the school board shall hold a public hearing on the contract. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school and the fiscal impact of the establishment of the charter school on the school district.

(b) A school board may not enter into a contract under par. (a) that would result in the conversion of all of the public schools in the school district to charter schools unless the school board complies with sub. (2) (b) 2.

(2r) OTHER INITIATIVES. (a) In this subsection, "instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.

118.40 (2r) (b) <sup>Any</sup> ~~ALL~~ of the following entities may establish by charter and operate a charter school or, on behalf of their respective entities, may initiate a contract with an individual or group <sup>a person</sup> to operate a school as a charter school:

- a. The common council of the city of Milwaukee.
- b. The chancellor of the University of Wisconsin-Milwaukee.
- c. <sup>The</sup> On a pilot basis, the chancellor of the University of Wisconsin-Parkside.
- d. ~~The Milwaukee area technical college district board.~~

118.40 (2r) (2v) (b) 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract may include other provisions agreed to by the parties. <sup>↓</sup> ~~The chancellor of the University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~



~~or enter into a contract for the establishment of a charter school under this paragraph without the approval of the board of regents of the University of Wisconsin System.~~

9 SEC. #. AM. 118.40 (2r) (b) 3. (intru.)

118.40 (2r) (b) 3. (intru.) If the chancellor of the University of Wisconsin-Parkside contracts for the establishment of a charter school, the contract shall ~~also provide that the charter school must be operated by a governing board and~~ <sup>PLAIN</sup> that the chancellor or his or her designee must be a member of the <sup>charter school's</sup> governing board.

In addition, if the contract provides that the instructional staff of the charter school shall consist of employees of the board of regents of the University of Wisconsin System, the contract shall also include provisions that do all of the following:

41 SEC. #. RP. 118.40 (2r) (b) 4.

a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation and fringe benefits of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation and fringe benefits of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.

b. Authorize the governing board of the charter school to perform specified duties for the board of regents with respect to the instructional staff. This authorization may include duties related to supervising the instructional staff, taking disciplinary actions with respect to the instructional staff, recommending new hires or layoffs, collective bargaining, claims, complaints, or benefits and records administration.

4. No chartering or contracting entity under subd. 1. may establish or enter into a contract for the establishment of a virtual charter school.

91 SEC. #. AM. 118.40 (2r) (bm)

118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college district board may only ~~establish or enter into a contract for the establishment of a charter school located in the school district operating under ch. 119.~~ The chancellor of the University of Wisconsin-Parkside may only ~~establish or enter into~~

(no 9)

The board of control of a cooperative educational service agency may only contract for the establishment of a charter school located in the agency's territory.

contract for the establishment of a charter school located in a unified school district that is located in the county in which the University of Wisconsin-Parkside is situated or in an adjacent county.

(9)

SEC. #. RP, 118.40 (2r) (c) and (cm)

(c) 1. Except as provided in subd. 3., only pupils who reside in the school district in which a charter school established under this subsection is located may attend the charter school.

3. A pupil may attend Woodlands School, a charter school established in the school district operating under ch. 119 under this subsection, regardless of the pupil's school district of residence, if any of the following applies:

a. The pupil attended Woodlands School in the 2003-04 school year and, beginning in the 2005-06 school year, in the previous school year.

b. A member of the pupil's family who resides in the same household as the pupil attended Woodlands School in the 2003-04 school year.

(cm) The chancellor of the University of Wisconsin-Parkside may establish or enter into a contract for the establishment of only one charter school under this subsection, which may not operate high school grades and which may not accommodate more than 480 pupils.

(9)

SEC. AM, 118.40 (2r) (d) (intro.)

118.40 (2r) (d) (The chartering or contracting entity under par. (b) shall do all of the following: (intro.)

1. Ensure that all instructional staff of charter schools under this subsection hold a license or permit to teach issued by the department.

2. Administer the examinations under ss. 118.30 (1r) and 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

(e) 1. a. In the 2009-10 and 2010-11 school years, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school.

~~b. In the 2011-12 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the per pupil revenue limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the number of pupils attending the charter school.~~

~~c. The amount paid per pupil under this subdivision may not be less than the amount paid per pupil under this subdivision in the previous school year. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.~~

④ SEC. #. AM; 118.40 (2r) (e) 2.

118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin-Parkside establishes or contracts for the establishment of a charter school under this subsection, in March the department shall pay to the unified school district in which the charter school is located, from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of school aid per pupil to which the unified school district is eligible in the current school year multiplied by the number of pupils attending the charter school who were previously enrolled in the unified school district.

~~(f) If the chancellor of the University of Wisconsin-Parkside establishes or contracts for the establishment of a charter school under this subsection, biennially the chancellor shall submit a report to the legislature under s. 13.172 (2). The report shall include information on the academic performance of the pupils who attend the charter school and on the success of the governance structure of the charter school.~~

(3) CONTRACT. (a) If the school board grants the petition under sub. (2), the school board shall contract with the person named in the petition under sub. (1m) (b) 1. to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties.

who attended the charter school in the 2010-11 school year and

*new insert*

Section #. 118.40 (2r) (f) of the statutes is amended to read:

118.40 (2r) (f) If the chancellor of the University of Wisconsin–Parkside ~~establishes or~~ contracts for the establishment of a charter school under this subsection, biennially the chancellor shall submit a report to the legislature under s. 13.172 (2). The report shall include information on the academic performance of the pupils who attend the charter school and on the success of the governance structure of the charter school.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

✓

^

⑨ sec #. CR; 118.40 (2r) (g)

⑩ 118.40 (2r) (g) If a school board leases a building to

the governing body of a charter school;

the lease may <sup>not</sup> include a  
provision specifying  
provision specifying that it

terminates if the lessee enters into

a contract to operate a charter school.

with an entity under par. (b)

Section #. 118.40 (3) (b) of the statutes is amended to read:

118.40 (3) (b) A contract under par. (a) or under subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

except that a ~~chartering entity~~ may contract for a term greater than 5 years based on the performance & demonstrated capacities and particular circumstances of the charter school. A

may renew a contract  
conditioned upon the charter school implementing  
specified improvements

school board or entity  
under sub. (2m) (b)

(use 2x)

Section #. 118.40 (3) (c) 1. c. of the statutes is amended to read:

118.40 (3) (c) 1. c. If ~~a school board enters into an agreement~~ <sup>one or more</sup> ~~boards~~ <sup>boards contract</sup> with a federally recognized American Indian tribe or band in this state to establish a charter school, the charter school shall be located <sup>one of</sup> ~~within the school district~~ <sup>districts</sup> or within the boundaries of the tribe's or band's reservation.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

strike

renumbered 118.40 (3) (e) (intro.) and

Section #. 118.40 (3) (e) of the statutes is amended to read:

(intro.)

A school board or entity under sub. (2r) (b) shall do all of the following: (1) 2. when

118.40 (3) (e) ~~When establishing or~~ contracting for the establishment of a charter school under this section, a school board or entity specified under sub. (2r) (b) shall consider <sup>adhere to</sup> the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.



⑦ SEC. # CR: 118.40 (3)(e) 1, 3, and 4.

⑦ 118.40 (3)(e) 1. Solicit and evaluate charter school applications.

⑦ 3. Approve <sup>only</sup> high quality charter school applications that meet identified educational needs and promote a diversity of educational choices.

⑨ 4. In accordance with the terms of each charter school monitor the performance and compliance with this section of each charter school with which it ~~contracts~~ contracts.

A

118.40  
911 SEC. # CR. 118.40 (3) (f)

911 118.40 (3) (f) A contract <sup>(B)</sup> with a school board or <sup>(A)</sup> may provide for

the establishment of more than one charter school;

~~Each charter school established under such a~~  
school

~~contract~~ and a charter/governing board may

enter into more than one contract with

a school board or entity under sub. (2v)(b).

911 SEC. # CR. 118.40 (3) (g) <sup>1</sup> an entity under sub. (2v)(b) <sup>2r</sup>

911 118.40 (3) (g) <sup>(B)</sup> contract with a school board or

an entity under sub. (2v)(b) shall require that

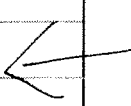
if the capacity of the charter school is insufficient to accept

all pupils who school shall  
all pupils who apply the charter school shall

accept pupils at random  
accept pupils at random.

sub. (4)(a) 1.

Except as provided in sub. (4)(a) 1; a



^

118.40  
9) SEC. #, CR., 118.40 (3) (h)

9) 118.40 (3) (h) A school board or entity under  
sub (2r) (b) <sup>2r</sup> and <sup>(B)</sup> ~~their~~ <sup>(its)</sup> officers and  
employees <sup>are</sup> immune from <sup>civil</sup> civil and  
<sup>criminal</sup> criminal liability for ~~any~~ ~~good~~ ~~faith~~ ~~act~~ ~~or~~  
~~omission~~ ~~in~~ ~~connection~~ ~~with~~ ~~respect~~ ~~to~~ the  
any ~~any~~ activities of a charter school with which  
the school board or entity under sub. (2r) (b)  
contracts.

⑨ SEC. #. AM. 118.40 (4) (title)

⑨ 118.40 (4) (title) <sup>③</sup> CHARTER SCHOOL GOVERNING BOARD; <sup>CS</sup>  
 DUTIES, POWERS, AND RESTRICTIONS. <sup>CS</sup>

⑨ SEC. #. RN. 118.40 (4)(a); 118.40 (4)(ar)

⑨ SEC. #. CR. 118.40 (4)(ag)

⑨ 118.40 (4)(ag) <sup>③</sup> <sup>①</sup> Governing board. Each charter

school shall be <sup>governed</sup> governed by a <sup>governing</sup> governing board that is  
 a party to the contract with the <sup>authorizing</sup> entity. No

governing board <sup>member</sup> may be a member <sup>or employee</sup> of the governing

body of the authorizing entity. No more than a  
 minority of the governing board's members may be

charter school staff.

organized <sup>as a</sup> as a nonprofit corporation and  
 shall be

Section #. 118.40 (4) (c) of the statutes is amended to read:

118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a contract for,~~ and an entity under sub. (2r) may ~~establish or enter into a~~ contract for, <sup>strike comma</sup> the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

^

⑨ SEC. #. CR. 118.40(4)(d)

⑨ 118.40(4)(d) Powers. <sup>(B) (E)</sup> Subject to the terms of its contracts,  
 a charter school has all the

powers necessary to carry out the terms of its contract; including the following:

⑨ 1. To receive and disburse funds for school purposes.

⑨ 2. To secure appropriate insurance and enter into contracts.

⑨ 3. To incur debt in reasonable anticipation of the receipt of funds.

④ 4. To pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit.

④ 5. To solicit and accept gifts or grants for school purposes.

⑨ 6. To acquire real property for its

use .

91

7. To sue and be sued in its own

name.

new insert

Section #. 118.40 (7) (am) 1. of the statutes is amended to read:

118.40 (7) (am) 1. Except as provided in ~~subd. 2. and 3.~~<sup>subd.</sup> if a charter school is established under sub. (2m) and located in the school district operating under ch. 119, the school board of that school district shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that a charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that a charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

✓



new insert

Section #. 118.40 (7) (am) 3. of the statutes is ~~amended to read:~~ *repealed* ①

~~118.40 (7) (am) 3. Notwithstanding subd. 2., if the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, the charter school is an instrumentality of the school district operating under ch. 119 and the board of the school district operating under ch. 119 shall employ all personnel for the charter school.~~

~~History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.~~

x

x

Section #. 118.40 (7) (am) 4. of the statutes is amended to read:

one or more boards contract

118.40 (7) (am) 4. If a ~~school board enters into an agreement~~ with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) 1. c., ~~that school board shall determine~~ whether the charter school is an instrumentality <sup>of</sup> ~~the school district~~ <sup>the school board</sup> ~~regard-~~ <sup>one of</sup> ~~less of the location of the charter school.~~ <sup>districts</sup>

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276.

91

SEC. #. R.P.

118.40 (8) (h)  
118.40 (8) (h)



1

¶ SEC. #. CR. 118.40 (9)

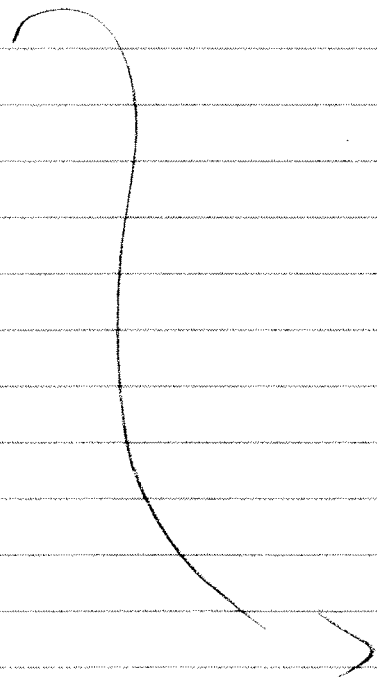
(B)

(CS)

¶ 118.40 (9) CHARTER SCHOOL AUTHORIZING BOARD. ↑

(I)

(no 9) (a) Definition. In this subsection, "board" means the charter school authorizing board. ⊙



SEC. CR. 118.40 (9)

~~118.40(9) CHARTER SCHOOL AUTHORIZING BOARD.~~

~~(a) Fee. Each charter school authorized by the~~

~~(a) Definition. In this section, "board" means~~

~~the charter school authorizing board.~~

(9) (b) <sup>⊕</sup> Annually, charter governing board

(b) <sup>⊕</sup> Fee. <sup>amount</sup> each school <sup>shall pay</sup> under contract with the board <sup>shall pay</sup> a fee to the board equal to the amount determined by dividing the operational costs of <sup>all</sup> charter schools that it operated under in the previous school year by the <sup>total</sup> number of pupils enrolled in all such charter schools in the previous school year and multiplying the <sup>quotient</sup> by 0.02. In order to determine the <sup>fee payable in</sup> the first school year of operation, the charter school <sup>governing board</sup> shall estimate its <sup>total</sup> operational costs and enrollment in that year.

(I)  
 (II) (c) Acquisition of property.

administration shall identify buildings that have been unused or underutilized for at least 24 consecutive

months. The governing board of a charter school

under contract with the <sup>board</sup> board may acquire by condemnation any building on the list for use as a

charter school.

(I)

Audits.

(II) (d) At least <sup>once</sup> every 5 years, the

legislative audit bureau shall <sup>shall prepare a</sup> prepare a financial ~~audit~~ <sup>and</sup> and performance <sup>evaluation</sup> audit of each

charter school operated by a governing board under contract with the board. The bureau shall file

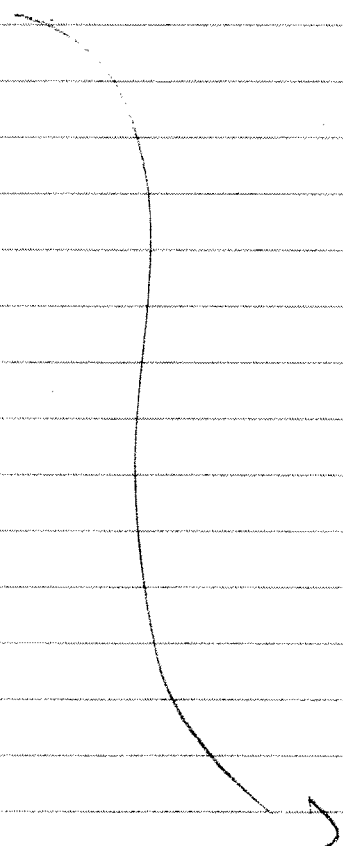
a copy of the report of the audit with the <sup>board</sup> board and with the state superintendent.

under s. 32.06

I

9#

(e) Reports: Annually, the board  
submit to the state superintendent  
shall submit to the state superintendent  
s. 13.172(2)  
and to the legislature under s. 13.172(2)  
report that includes all  
a report that include all of the following:



and provide a copy to the state superintendent.

(f) Reports. The board shall include all of the following in its biennial report under s. 15.04 (1)(d):

⑥ 2. The academic and financial performance of each charter school operated under contract with the board.

⑦ 1. An identification of each charter school under contract with the board, each charter school that ~~was~~ operated under a contract with the board but had its contract <sup>no renewed or</sup> <sup>renewed or</sup> <sup>revoked</sup> or that <sup>closed</sup> and each charter school under contract with the board that has not yet begun to operate.

⑧ 3. The services <sup>the board has</sup> provided to the charter schools under contract with the board and an itemized accounting of the <sup>cost</sup> of the <sup>services.</sup>

① 4. The board's operating costs, detailed audited in an audited financial statement prepared in accordance with generally accepted accounting principles.



(9) SEC. #. RN; 118.51 (1)(a); 118.51 (1)(ar) ✓

(9) SEC. #. CR; 118.51 1 ag; 118.51 (1)(ag) ✓

(9) <sup>(B)</sup> 118.51 (1)(ag) ✓ charter school ✓ excludes a contract school under contract with an entity s. 118.40 (2r) (b) under s. 118.40 (2r) (b).

(9) SEC. #. RP; ~~118.51 (3)(a) 7.~~ ~~118.51 (3)(a) 7.~~ ✓

new insert

Section #. 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 (3) (a) 6. If an application is accepted, on or before the first Friday following the first Monday in June following receipt of a notice of acceptance, <sup>Plain Comma</sup> ~~or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under s. 118.40 (8) (h) 5.~~ the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

④ SEC. #. RP, 118.51 (3)(a) 7. ←

x

new insert  
new insert

Section #. 118.51 (3) (b) of the statutes is amended to read:

118.51 (3) (b) *Notice to resident school district.* Annually by June 30, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5, the nonresident school board shall report the name of the pupil to the pupil's resident school board within 10 days of receiving notice of the pupil's selection from the department.~~

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

λ

X

Section #. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 (4) (a) 1. ~~In the 2009-10 and 2010-11 school year, add~~ <sup>Add</sup> the amounts paid under s. 118.40 (2r) in the current school year, ~~and in the 2011-12 school year and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the 2010-11 school year.~~

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 100; 2009 a. 28.

*new insert*

Section #. 230.08 (2) (dm) of the statutes is amended to read:

230.08 (2) (dm) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r)

(cm) *↑ 2009 stats*

**History:** 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28.

