

SEC. CR. 230.08 (2)(L) 1.

230.08 (2)(L) 1. Charter school board,

authorizing

CREATED UNDER S. 15.56.

in the
in the
in the

need the admin positions?

ECB has 4!

su 230.08 (2)(L) 3m

230.08 (2) (wc)

Ⓟ

SEC. #. CR.

230.08 (2) (wc)

✓

Ⓟ

230.08 (2) (wc) Professional staff members of
authorizing
the charter school/board authorized under

S. 118.395 (2).

new insert

Section #. 230.35 (1s) of the statutes is amended to read:

2009 stats

230.35 (1s) Annual leave of absence with pay for 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) shall be determined by the governing board of the charter school established by contract under s. 118.40 (2r) (cm), as approved by the chancellor of the University of Wisconsin–Parkside and subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28.

2009 stats

Nonstat File Sequence: **A A A**

LRB _____ / _____
_____ : _____ : _____

NONSTAT SESSLAW

1. In the component bar:

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

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

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

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

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

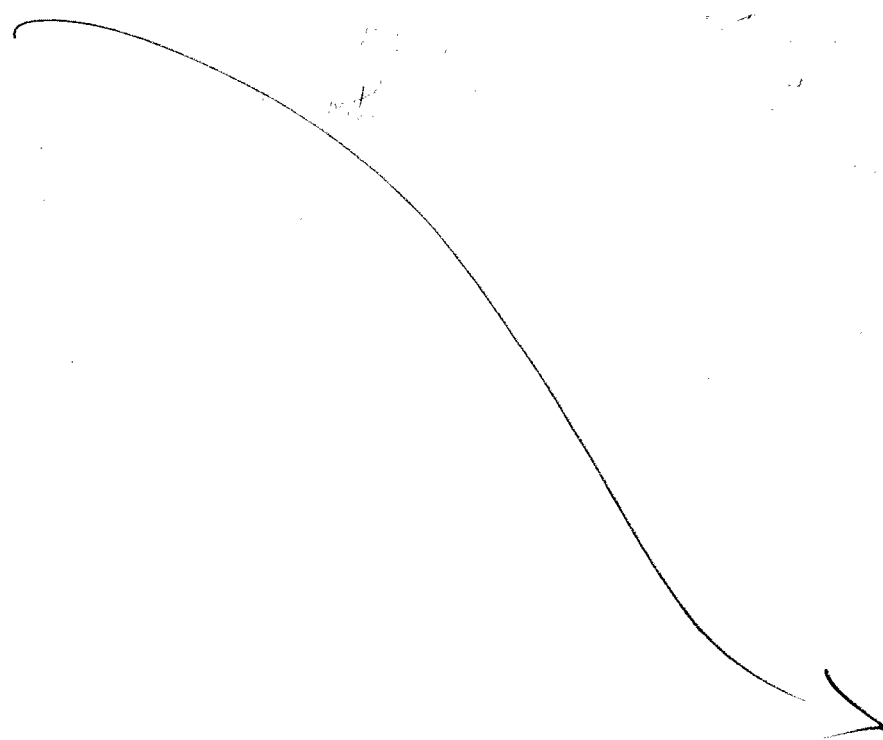
For a subdivision paragraph, execute: **create** → **text:** → *NS: → **subpar**

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

SECTION # **[91** *ZZZZ* **]**. Nonstatutory provisions; ...

..... *charter school authorizing board*.....

(#1) ()



15.56 (1)

(no 9)

Notwithstanding section 15.56 (1) of the
statutes, as created by this act;

of the initial members appointed to the
charter school authorizing
board under section 15.56(1)(a) of the statutes, as created

by this act, ^{one} member shall be appointed for
a term expiring ^{on} May 1, 2013, and one member shall be

appointed for a term expiring on May 1, 2015; of the

initial members appointed under section

15.56 (1) (b) of the statutes, as created by

this act, one member shall be appointed for a

term expiring on May 1, 2013, and one member shall be

appointed for a term expiring on May 1, 2015; and of

the initial members appointed under section 15.56

(1)(c) of the statutes, as created by this act, one

member shall be appointed for a term expiring on

May 1, 2013, and one member shall
be appointed
be appointed for a term expiring on

May 1, 2015. All other initial members of
appointed to the charter school authorizing board shall
appointed to the charter school authorizing board shall
be appointed for terms expiring on
be appointed for terms expiring on
May 1, 2014.
May 1, 2014.

(End)

D-note

PG: cjs: ...

DN

- date -

⑦ Senator Darling:

⑧ This is a preliminary draft. ~~In addition~~
 Please note the following:

no. 9

to the following questions and comments,
 please note the various points in the draft
 where brackets indicate the need for
 additional information.

⑨ 1. The draft does not extend ~~public~~

employee benefits, including participation in

the WRS to charter school employees. As I

mentioned during the conference call and at

our meeting, participation by nongovernmental employees
 in the WRS presents

serious problems. ~~The draft does extend health~~

~~costs~~

⑩ 2. The draft will need an initial
 section it clear that it
 applicability to make it clear that it does

not affect existing charter school contracts.

④ 3. The draft does not state that a person holding a charter school instructional license is a "highly qualified teacher" (HQT).
The federal No Child Left Behind Act

requires that all K-12 public school teachers of core academic subjects meet core ~~academic~~ academic subjects meet the HQT federal

requirements of the act. In general, ^{one must} _{one must} hold at least a bachelor's

degree; ^{be} appropriately licensed for the ^{assignment,} _{assignment,} subject

and demonstrate subject matter competence in the ^{taught} subject taught. Because the requirement is

in federal law; the federal Department of Education ^{must determine} whether a state Education ^{must determine} whether a state

is in compliance. Including ^{in state law} a
 provision stating: ~~That certain~~

~~category of teachers are highly qualified and~~
~~is ~~redundant~~ and it has no legal effect.~~

Stating that Wisconsin is in compliance with
 federal law has no legal effect on that determination.

(9) 4. As we discussed during the conference
 call and at the meeting, the bill, if enacted,
 may invite a constitutional challenge based on:

Article X, section 1, of the Wisconsin Constitution.

In Thompson v. Craney, 199 Wis. 2d 674 (1996), the
Wisconsin Supreme Court determined that the power
 of supervising public education could not
 constitutionally be given to anyone other
 than the state superintendent. In this bill draft,

oversight of the schools under ^{contract} contract
 with the Charter School Authorizing Board
 is given to the Charter School
Authorizing Board while ^{could} one would argue
 that this is no different from the
 existing situation with ^{regard to} the independent
 (2r) charter schools; ~~it may be that~~
 the existing situation may be ^{unconstitutional} unconstitutional
 as well; ^{it simply has not been challenged.}
 In addition; with a ^{state} new authorizing
 board contracting with ^{scores} scores of ^{charter} schools
 that may educate ^{thousands} thousands
 that may educate ~~thousands~~ ^(2r) thousands of
 pupils, the (2r) charter schools may begin
 to look like a ^{separate} separate public school
 system ^{operating} (with no supervision by the
 state superintendent.

⑨ 5. The draft provides the Charter
School Authorizing Board with an
 executive director (assigned to executive
 salary group 5) and 4 professional
 staff members in the unclassified service whose
 salaries are set by the executive director. OK?

insert
dn

④ 7. The draft allows each UW institution;[↑]
~~and~~ each UW college ^{campus} (the 2-year colleges);[↑]
 each technical college district board; ~~and~~
 each private college that is a member of the
Wisconsin Association of Independent Colleges and
Universities to ^{contract} contract for the establishment
 of charter schools. Note that under current
 law, ~~the~~ UW-Milwaukee and Milwaukee Area
Technical College may only contract for the

establishment of ~~a~~ charter schools ^{located} in the city of Milwaukee, and Wau-Parkside may only contract for the establishment of a charter school in Kenosha County or in an adjacent county. This draft does not eliminate these limitations, but does not establish any ^{new} limitations for the ~~new~~ added authorizers. OK?

~~8. At the meeting, there was a suggestion that the newly authorized charter schools would be ^{run by} nonprofit, nonstock corporations. This draft does not include this requirement; let me know if it should.~~

④

8. The draft authorizes charter schools to condemn unused and underutilized school district property. Let me know if you'd like to eliminate or modify this provision.

~~10. This draft eliminates the provision that allowed UW-Parkside to establish only one charter school, which may not enroll more than 480 pupils. However~~

9. The draft ^{operator of a} ~~does not~~ provide that the ^(2r) charter school is a "local educational agency."

Current law ^(2r) already provides that the operator of a charter school is a local educational agency. ^{See s. 115.775(1), stats.} Although the provision is located in the statutory subchapter ^{relating to children with disabilities,} ~~relating to children with disabilities,~~ its ^{effect} is not limited to laws relating to children with disabilities.

~~11. At Todd's suggestion, I eliminated all of the provisions in the draft relating to the charter school application process, charter~~

~~10. The instructions were a little confused~~

9

10. I was somewhat confused by the instructions relating to the requirements for a charter school instructional staff license and a charter school instructional staff permit. Please let me know if I did not capture your intent.

9

11. Section 118.40 (9)(e)3. as created in this draft requires the board to include in a report the services it has provided to charter schools under contract with it. Do you want to describe the services that the board is authorized to provide?

LRS: This is new

PL

INSERT DN

¶ 9 6 Note that the Charter School Authorizing
Board as created in this draft, ^{does} does not
have rulemaking authority while this was
done to strengthen the argument that the
bill is constitutional, I'm not convinced that
the board will be able to operate without
adopting ^{various} standards and policies ^{generally} applicable
to the charter schools it oversees or ^{that are} necessary
to govern the board's organization or procedures.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0584/P1dn
PG:cjs:md

December 29, 2010

Senator Darling:

This is a preliminary draft. Please note the following:

1. The draft does not extend participation in the WRS to charter school employees. As I mentioned during the conference call and at our meeting, participation by nongovernmental employees in the WRS presents serious problems.
2. The draft will need an initial applicability section to make it clear that it does not affect existing charter school contracts.
3. The draft does not state that a person holding a charter school instructional license is a "highly qualified teacher" (HQT). The federal No Child Left Behind Act requires that all K-12 public school teachers of core academic subjects meet the HQT requirements of the federal act. In general, one must hold at least a bachelor's degree, be appropriately licensed for the assignment, and demonstrate subject matter competence in the subject taught. Because the requirement is in federal law, the federal Department of Education must determine whether a state is in compliance. Including in state law a provision stating that Wisconsin is in compliance with federal law has no legal effect on that determination.
4. As we discussed during the conference call and at the meeting, the bill, if enacted, may invite a constitutional challenge based on article X, section 1, of the Wisconsin Constitution. In Thompson v. Craney, 199 Wis. 2d 674 (1996), the Wisconsin Supreme Court determined that the power of supervising public education could not constitutionally be given to anyone other than the state superintendent. In this bill draft, oversight of the schools under contract with the Charter School Authorizing Board is given to the Charter School Authorizing Board. While one could argue that this is no different from the existing situation with regard to the independent (2r) charter schools, the existing situation may be unconstitutional as well; it simply has not been challenged. In addition, with a new state authorizing board contracting with scores of charter schools that may educate thousands of pupils, the (2r) charter schools may begin to look like a separate public school system operating with no supervision by the state superintendent.
5. The draft provides the Charter School Authorizing Board with an executive director (assigned to executive salary group 5) and 4 professional staff members in the unclassified service whose salaries are set by the executive director. OK?

6. Note that the Charter School Authorizing Board, as created in this draft, does not have rule-making authority. While this was done to strengthen the argument that the bill is constitutional, I'm not convinced that the board will be able to operate without adopting various standards and policies generally applicable to the charter schools it oversees or that are necessary to govern the board's organization or procedures.

7. The draft allows each UW institution, each UW college campus (the 2-year colleges), each technical college district board, and each private college that is a member of the Wisconsin Association of Independent Colleges and Universities to contract for the establishment of charter schools. Note that under current law, UW-Milwaukee and Milwaukee Area Technical College may only contract for the establishment of charter schools located in the city of Milwaukee, and UW-Parkside may only contract for the establishment of a charter school in Kenosha County or in an adjacent county. This draft does not eliminate these limitations, but does not establish any new limitations for the added authorizers. OK?

8. The draft authorizes charter schools to condemn unused and underutilized school district property. Let me know if you'd like to eliminate or modify this provision.

9. The draft does not provide that the operator of a (2r) charter school is a "local educational agency." Current law already provides that the operator of a (2r) charter school is a local educational agency. See s. 115.775 (1), stats. Although the provision is located in the statutory subchapter relating to children with disabilities, its effect is not limited to laws relating to children with disabilities.

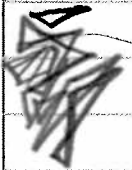
10. I was somewhat confused by the instructions relating to the requirements for a charter school instructional staff license and a charter school instructional staff permit. Please let me know if I did not capture your intent.

11. Section 118.40 (9) (e) 3., as created in this draft, requires the board to include in a report the services it has provided to charter schools under contract with it. Do you want to describe the services that the board is authorized to provide?

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

1/4/11 Connie Darling

① > write condemnation provisions
"MPS schools vacate those who want them"



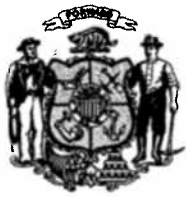
"city to have control of these properties"

② add



- annual report by city
- who exercised interest in buying
- status of any case or attempted sale

* ~~start~~ starting?



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0584/P1
PG:cjs:md
Stays

THUR
1/18

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA

regen

1 AN ACT *to repeal* 118.40 (2r) (b) 1. b., c. and d., 118.40 (2r) (b) 4., 118.40 (2r) (c)
 2 and (cm), 118.40 (7) (am) 3., 118.40 (8) (h) and 118.51 (3) (a) 7.; *to renumber*
 3 118.40 (4) (a) and 118.51 (1) (a); *to renumber and amend* 118.40 (3) (e); *to*
 4 *amend* 20.923 (6) (m), 40.51 (1), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92
 5 (1) (c), 115.001 (1), 118.40 (2m) (a), 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2.,
 6 118.40 (2r) (b) 3. (intro.), 118.40 (2r) (bm), 118.40 (2r) (d) (intro.), 118.40 (2r) (e)
 7 2., 118.40 (2r) (f), 118.40 (3) (b), 118.40 (4) (title), 118.40 (4) (c), 118.40 (7) (am)
 8 1., 118.51 (3) (a) 6., 118.51 (3) (b), 121.08 (4) (a) 1., 230.08 (2) (dm) and 230.35
 9 (1s); and *to create* 15.07 (1) (a) 7., 15.56, 20.265, 20.515 (1) (g), 20.923 (4) (e)
 10 1. c., 20.923 (6) (aLm), 32.02 (14), 40.515, 118.19 (14), 118.395, 118.40 (2r) (b)
 11 1. e. to j., 118.40 (2r) (g), 118.40 (3) (e) 1., 3. and 4., 118.40 (3) (f), 118.40 (3) (g),
 12 118.40 (3) (h), 118.40 (4) (ag), 118.40 (4) (d), 118.40 (9), 118.51 (1) (ag) and 230.08
 13 (2) (wc) of the statutes; **relating to:** creating a Charter School Authorizing
 14 Board, providing additional charter school authorizers, eliminating the limit on
 15 the number of pupils attending virtual charter schools, modifying teacher

15

who may attend

eliminating the limit on the reduction in general school aid used to fund independent charter schools,

1 licensure requirements, covering certain charter school employees under the
2 Group Insurance Board health coverage plan for local government employees,
3 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

(attached)

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

4 **SECTION 1.** 15.07 (1) (a) 7. of the statutes is created to read:

5 15.07 (1) (a) 7. Members of the charter school authorizing board appointed
6 under s. 15.56 shall be appointed as provided in that section.

7 **SECTION 2.** 15.56 of the statutes is created to read:

8 **15.56 Charter school authorizing board.** (1) There is created a charter
9 school authorizing board consisting of the following members appointed for 3-year
10 terms:

11 (a) Three members appointed by the governor, no more than 2 of whom may
12 belong to the same political party.

13 (b) Three members appointed by the senate majority leader, no more than 2 of
14 whom may belong to the same political party.

15 (c) Three members appointed by the speaker of the assembly, no more than 2
16 of whom may belong to the same political party.

17 (2) The appointing authorities under sub. (1) shall ensure to the extent feasible
18 that members appointed to the board are geographically diverse and have experience
19 and expertise in governing public and nonprofit organizations; in management and
20 finance; in public school leadership, assessment, and curriculum and instruction;

1 and in education law; and understand and are committed to the use of charter schools
2 to strengthen public education.

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

4 (4) The board does not have rulemaking authority.

5 **SECTION 3.** 20.265 of the statutes is created to read:

6 **20.265 Charter school authorizing board.** There is appropriated to the
7 charter school authorizing board for the following programs:

8 (1) SUPPORT OF CHARTER SCHOOLS. (g) *Oversight.* All moneys received as fees
9 under s. 118.40 (9) (b) to perform its functions under s. 118.40.

10 (h) *Gifts and grants.* All moneys received from gifts and grants for the purposes
11 for which made.

12 **SECTION 4.** 20.515 (1) (g) of the statutes is created to read:

13 20.515 (1) (g) *Benefit and coverage payments; charter school health care*
14 *coverage.* All moneys received from charter school governing boards under s. 40.515
15 who elect to provide coverage for their employees in a health care coverage plan
16 under s. 40.51 (7), for the payment of benefits and the cost of administering benefits
17 under s. 40.515.

18 **SECTION 5.** 20.923 (4) (e) 1. c. of the statutes is created to read:

19 20.923 (4) (e) 1. c. Charter school authorizing board: executive director.

20 **SECTION 6.** 20.923 (6) (aLm) of the statutes is created to read:

21 20.923 (6) (aLm) Charter school authorizing board: unclassified professional
22 staff.

23 **SECTION 7.** 20.923 (6) (m) of the statutes is amended to read:

24 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,
25 instructors, research assistants, librarians and other teachers, as defined in s. 40.02

1 (55), the staff of the environmental education board, and instructional staff
2 employed by the board of regents of the University of Wisconsin System who provide
3 services for a charter school established by contract under s. 118.40 (2r) (cm), 2009
4 stats.

5 ~~SECTION 8. 32.02 (14) of the statutes is created to read:~~

6 ~~32.02 (14) Any charter school governing board under contract with the charter~~
7 ~~school authorizing board, for use as a charter school, as provided in s. 118.40 (9) (c).~~

8 SECTION 9. 40.51 (1) of the statutes is amended to read:

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

13 SECTION 10. 40.515 of the statutes is created to read:

14 **40.515 Health care coverage for individuals employed by charter**
15 **school governing boards.** Beginning on the January 1 that first occurs after the
16 effective date of this subsection ... [LRB inserts date], any charter school governing
17 board operating a charter school under contract with the charter school authorizing
18 board may elect coverage for its employees under any health care coverage plan
19 offered to local government employees under s. 40.51 (7), during any applicable
20 enrollment period, subject to any conditions established by contract or by rule under
21 s. 40.51 (1).

22 SECTION 11. 111.81 (7) (f) of the statutes is amended to read:

23 111.81 (7) (f) Instructional staff employed by the board of regents of the
24 University of Wisconsin System who provide services for a charter school established
25 by contract under s. 118.40 (2r) (cm), 2009 stats.

1 **SECTION 12.** 111.815 (1) of the statutes is amended to read:

2 111.815 (1) In the furtherance of this subchapter, the state shall be considered
3 as a single employer and employment relations policies and practices throughout the
4 state service shall be as consistent as practicable. The office shall negotiate and
5 administer collective bargaining agreements except that the department of health
6 services, subject to the approval of the federal centers for medicare and medicaid
7 services to use collective bargaining as the method of setting rates for
8 reimbursement of home care providers, shall negotiate and administer collective
9 bargaining agreements entered into with the collective bargaining unit specified in
10 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
11 the office, or the department of health services with regard to collective bargaining
12 agreements entered into with the collective bargaining unit specified in s. 111.825
13 (2g), shall maintain close liaison with the legislature relative to the negotiation of
14 agreements and the fiscal ramifications of those agreements. Except with respect
15 to the collective bargaining units specified in s. 111.825 (1m), (2) (f), and (2g), the
16 office is responsible for the employer functions of the executive branch under this
17 subchapter, and shall coordinate its collective bargaining activities with operating
18 state agencies on matters of agency concern. The legislative branch shall act upon
19 those portions of tentative agreements negotiated by the office that require
20 legislative action. With respect to the collective bargaining units specified in s.
21 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible
22 for the employer functions under this subchapter. With respect to the collective
23 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter
24 school established by contract under s. 118.40 (2r) (cm), 2009 stats., is responsible
25 for the employer functions under this subchapter. With respect to the collective

1 bargaining unit specified in s. 111.825 (2g), the department of health services is
2 responsible for the employer functions of the executive branch under this
3 subchapter.

4 **SECTION 13.** 111.825 (2) (f) of the statutes is amended to read:

5 111.825 (2) (f) Instructional staff employed by the board of regents of the
6 University of Wisconsin System who provide services for a charter school established
7 by contract under s. 118.40 (2r) (cm), 2009 stats.

8 **SECTION 14.** 111.92 (1) (c) of the statutes is amended to read:

9 111.92 (1) (c) Any tentative agreement reached between the governing board
10 of the charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.,
11 acting for the state, and any labor organization representing a collective bargaining
12 unit specified in s. 111.825 (2) (f) shall, after official ratification by the labor
13 organization and approval by the chancellor of the University of
14 Wisconsin–Parkside, be executed by the parties.

15 **SECTION 15.** 115.001 (1) of the statutes is amended to read:

16 115.001 (1) CHARTER SCHOOL. “Charter school” means a school under contract
17 with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b),
18 ~~or a school established and operated by one of the entities under s. 118.40 (2r) (b).~~

19 **SECTION 16.** 118.19 (14) of the statutes is created to read:

20 118.19 (14) (a) Any person who holds a teaching license issued by the
21 department may perform any instructional duty at any grade level in a charter
22 school.

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

1 promulgate rules establishing the requirements for obtaining a charter school
2 instructional staff permit. The department may require that an applicant have a
3 bachelor's degree, but may not limit the subjects that the applicant may teach based
4 upon the applicant's major field of study.

5 **SECTION 17.** 118.395 of the statutes is created to read:

6 **118.395 Charter school authorizing board; executive director, staff. (1)**

7 The charter school authorizing board shall appoint an executive director outside the
8 classified service. The executive director shall coordinate the activities of the board
9 and exercise such further powers, functions and duties as the board prescribes.

10 (2) The executive director of the charter school authorizing board may employ
11 4 professional staff members outside the classified service. Subject to authorization
12 under s. 16.505, the executive director may employ additional professional staff
13 members outside the classified service.

14 **SECTION 18.** 118.40 (2m) (a) of the statutes is amended to read:

15 118.40 (2m) (a) A school board may on its own initiative contract with a person
16 nonprofit corporation to operate a school as a charter school. The contract shall
17 include all of the provisions specified under sub. (1m) (b) and may include other
18 provisions agreed to by the parties.

19 **SECTION 19.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

20 118.40 (2r) (b) 1. (intro.) ~~All~~ Any of the following entities may establish by
21 ~~charter and operate a charter school or, on behalf of their respective entities, may~~
22 ~~initiate a contract with an individual or group~~ a nonprofit corporation to operate a
23 ~~school as a~~ charter school:

24 **SECTION 20.** 118.40 (2r) (b) 1. b., c. and d. of the statutes are repealed.

25 **SECTION 21.** 118.40 (2r) (b) 1. e. to j. of the statutes are created to read:

1 118.40 (2r) (b) 1. e. The board of control of a cooperative educational service
2 agency.

3 f. The charter school authorizing board.

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

6 h. A technical college district board.

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

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

9 **SECTION 22.** 118.40 (2r) (b) 2. of the statutes is amended to read:

10 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
11 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
12 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
13 school on the liability of the contracting entity under this paragraph. The contract
14 may include other provisions agreed to by the parties. ~~The chancellor of the~~
15 ~~University of Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may~~
16 ~~not establish or enter into a contract for the establishment of a charter school under~~
17 ~~this paragraph without the approval of the board of regents of the University of~~
18 ~~Wisconsin System.~~

19 **SECTION 23.** 118.40 (2r) (b) 3. (intro.) of the statutes is amended to read:

20 118.40 (2r) (b) 3. (intro.) If the chancellor of the University of
21 Wisconsin–Parkside contracts for the establishment of a charter school, the contract
22 shall also provide that ~~the charter school must be operated by a governing board and~~
23 that the chancellor or his or her designee must be a member of the charter school's
24 governing board. In addition, if the contract provides that the instructional staff of
25 the charter school shall consist of employees of the board of regents of the University

1 of Wisconsin System, the contract shall also include provisions that do all of the
2 following:

3 **SECTION 24.** 118.40 (2r) (b) 4. of the statutes is repealed.

4 **SECTION 25.** 118.40 (2r) (bm) of the statutes is amended to read:

5 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
6 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
7 district board may only ~~establish or enter into a~~ contract for the establishment of a
8 charter school located in the school district operating under ch. 119. The chancellor
9 of the University of Wisconsin–Parkside may only ~~establish or enter into a~~ contract
10 for the establishment of a charter school located in a unified school district that is
11 located in the county in which the University of Wisconsin–Parkside is situated or
12 in an adjacent county. The board of control of a cooperative educational service
13 agency may only contract for the establishment of a charter school located in the
14 agency's territory.

15 **SECTION 26.** 118.40 (2r) (c) and (cm) of the statutes are repealed.

16 **SECTION 27.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

17 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
18 do all of the following:

19 **SECTION 28.** 118.40 (2r) (e) 2. of the statutes is amended to read:

20 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
21 ~~establishes or~~ contracts for the establishment of a charter school under this
22 subsection, in March the department shall pay to the unified school district in which
23 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an
24 amount equal to the amount of school aid per pupil to which the unified school district
25 is eligible in the current school year multiplied by the number of pupils attending the

1 charter school who attended the charter school in the 2010–11 school year and who
2 were previously enrolled in the unified school district.

3 **SECTION 29.** 118.40 (2r) (f) of the statutes is amended to read:

4 118.40 (2r) (f) If the chancellor of the University of Wisconsin–Parkside
5 ~~establishes or~~ contracts for the establishment of a charter school under this
6 subsection, biennially the chancellor shall submit a report to the legislature under
7 s. 13.172 (2). The report shall include information on the academic performance of
8 the pupils who attend the charter school and on the success of the governance
9 structure of the charter school.

10 **SECTION 30.** 118.40 (2r) (g) of the statutes is created to read:

11 118.40 (2r) (g) If a school board leases a building to the governing body of a
12 charter school, the lease may not include a provision specifying that it terminates if
13 the lessee enters into a contract with an entity under par. (b) to operate a charter
14 school.

15 **SECTION 31.** 118.40 (3) (b) of the statutes is amended to read:

16 118.40 (3) (b) A contract under par. (a) or under subs. (2m) or (2r) may be for
17 any term not exceeding 5 school years and may be renewed for one or more terms not
18 exceeding 5 school years, except that a school board or entity under sub. (2r) (b) may
19 contract for a term greater than 5 years based on the performance, demonstrated
20 capacities, and particular circumstances of the charter school. A school board or
21 entity under sub. (2r) (b) may renew a contract conditioned upon the charter school
22 implementing specified improvements. The contract shall specify the amount to be
23 paid to the charter school during each school year of the contract.

24 **SECTION 32.** 118.40 (3) (e) of the statutes is renumbered 118.40 (3) (e) (intro.)
25 and amended to read:

1 118.40 (3) (e) (intro.) ~~When establishing or~~ A school board or entity under sub.
2 (2r) (b) shall do all of the following:

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

7 **SECTION 33.** 118.40 (3) (e) 1., 3. and 4. of the statutes are created to read:

8 118.40 (3) (e) 1. Solicit and evaluate charter school applications.

9 3. Approve only high quality charter school applications that meet identified
10 educational needs and promote a diversity of educational choices.

11 4. In accordance with the terms of each charter school contract, monitor the
12 performance and compliance with this section of each charter school with which it
13 contracts.

14 **SECTION 34.** 118.40 (3) (f) of the statutes is created to read:

15 118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may
16 provide for the establishment of more than one charter school, and a charter school
17 governing board may enter into more than one contract with a school board or entity
18 under sub. (2r) (b).

19 **SECTION 35.** 118.40 (3) (g) of the statutes is created to read:

20 118.40 (3) (g) Except as provided in sub. (4) ^{see (ar)} (a) 1., a contract with a school board
21 or an entity under sub. (2r) (b) shall require that if the capacity of the charter school
22 is insufficient to accept all pupils who apply, the charter school shall accept pupils
23 at random.

24 **SECTION 36.** 118.40 (3) (h) of the statutes is created to read:

1 118.40 (3) (h) A school board or an entity under sub. (2r) (b), and its officers and
2 employees, are immune from civil and criminal liability for any activities of a charter
3 school with which the school board or entity under sub. (2r) (b) contracts.

4 **SECTION 37.** 118.40 (4) (title) of the statutes is amended to read:

5 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND
6 RESTRICTIONS.

7 **SECTION 38.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar).

8 **SECTION 39.** 118.40 (4) (ag) of the statutes is created to read:

9 118.40 (4) (ag) *Governing board.* Each charter school shall be organized as a
10 nonprofit corporation and shall be governed by a governing board that is a party to
11 the contract with the authorizing entity. No governing board member may be a
12 member or employee of the governing body of the authorizing entity. No more than
13 a minority of the governing board's members may be charter school staff.

14 **SECTION 40.** 118.40 (4) (c) of the statutes is amended to read:

15 118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
16 ~~contract for,~~ and an entity under sub. (2r) may ~~establish or enter into a~~ contract for,
17 the establishment of a charter school that enrolls only one sex or that provides one
18 or more courses that enroll only one sex if the school board or entity under sub. (2r)
19 makes available to the opposite sex, under the same policies and criteria of
20 admission, schools or courses that are comparable to each such school or course.

21 **SECTION 41.** 118.40 (4) (d) of the statutes is created to read:

22 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school has
23 all the powers necessary to carry out the terms of its contract, including the following:

- 24 1. To receive and disburse funds for school purposes.
25 2. To secure appropriate insurance and enter into contracts.

- 1 3. To incur debt in reasonable anticipation of the receipt of funds.
- 2 4. To pledge, assign, or encumber its assets to be used as collateral for loans or
- 3 extensions of credit.
- 4 5. To solicit and accept gifts or grants for school purposes.
- 5 6. To acquire real property for its use.
- 6 7. To sue and be sued in its own name.

7 **SECTION 42.** 118.40 (7) (am) 1. of the statutes is amended to read:

8 118.40 (7) (am) 1. Except as provided in ~~subds. subd. 2. and 3.~~, if a charter
9 school is established under sub. (2m) and located in the school district operating
10 under ch. 119, the school board of that school district shall determine whether or not
11 the charter school is an instrumentality of the school district. If the school board
12 determines that a charter school is an instrumentality of the school district, the
13 school board shall employ all personnel for the charter school. If the school board
14 determines that a charter school is not an instrumentality of the school district, the
15 school board may not employ any personnel for the charter school.

16 **SECTION 43.** 118.40 (7) (am) 3. of the statutes is repealed.

17 **SECTION 44.** 118.40 (8) (h) of the statutes is repealed.

18 **SECTION 45.** 118.40 (9) of the statutes is created to read:

19 118.40 (9) CHARTER SCHOOL AUTHORIZING BOARD. (a) *Definition.* In this
20 subsection, “board” means the charter school authorizing board.

21 (b) *Fee.* Annually, each charter school governing board under contract with the
22 board shall pay to the board a fee equal to the amount determined by dividing the
23 operational costs of all charter schools that it operated under contract with the board
24 in the previous school year by the total number of pupils enrolled in all such charter
25 schools in the previous school year and multiplying the quotient by 0.02. In order

↓
13-16A →
13-16B

1 to determine the fee payable in the first school year of operation, the charter school
2 governing board shall estimate its total operational costs and total pupil enrollment
3 in that school year.

4 ~~(c) Acquisition of property. The department of administration shall identify and
5 maintain a list of school district buildings that have been unused or underutilized
6 for at least 24 consecutive months. The governing board of a charter school under
7 contract with the board may acquire by condemnation under s. 32.06 any buildings
8 on the list for use as a charter school.~~

9 (c) Audits. At least once every 5 years, the legislative audit bureau shall
10 prepare a financial and performance evaluation audit of each charter school operated
11 by a governing board under contract with the board. The bureau shall file a copy of
12 the report of the audit with the board and with the state superintendent.

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

15 1. An identification of each charter school operating under contract with the
16 board, each charter school that operated under a contract with the board but had its
17 contract nonrenewed or revoked or that closed, and each charter school under
18 contract with the board that has not yet begun to operate.

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

21 3. The services the board has provided to the charter schools under contract
22 with the board and an itemized accounting of the cost of the services.

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

25 SECTION 46. 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ar).

1 SECTION 47. 118.51 (1) (ag) of the statutes is created to read:

2 118.51 (1) (ag) "Charter school" excludes a school under contract with an entity
3 under s. 118.40 (2r) (b).

4 SECTION 48. 118.51 (3) (a) 6. of the statutes is amended to read:

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

11 SECTION 49. 118.51 (3) (a) 7. of the statutes is repealed.

12 SECTION 50. 118.51 (3) (b) of the statutes is amended to read:

13 118.51 (3) (b) *Notice to resident school district.* Annually by June 30, each
14 nonresident school board that has accepted a pupil under this section for attendance
15 in the following school year shall report the name of the pupil to the pupil's resident
16 school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the~~
17 ~~nonresident school board shall report the name of the pupil to the pupil's resident~~
18 ~~school board within 10 days of receiving notice of the pupil's selection from the~~
19 department.

20 SECTION 51. 121.08 (4) (a) 1. of the statutes is amended to read:

21 121.08 (4) (a) 1. ~~In the 2009-10 and 2010-11 school year, add Add the amounts~~
22 ~~paid under s. 118.40 (2r) in the current school year, and in the 2011-12 school year~~
23 ~~and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the~~
24 2010-11 school year.

25 SECTION 52. 230.08 (2) (dm) of the statutes is amended to read:

✓
15-19:1
15-19:2
15-19:3

1 230.08 (2) (dm) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 by contract under s. 118.40 (2r) (cm), 2009 stats.

4 **SECTION 53.** 230.08 (2) (wc) of the statutes is created to read:

5 230.08 (2) (wc) Professional staff members of the charter school authorizing
6 board authorized under s. 118.395 (2).

7 **SECTION 54.** 230.35 (1s) of the statutes is amended to read:

8 230.35 (1s) Annual leave of absence with pay for instructional staff employed
9 by the board of regents of the University of Wisconsin System who provide services
10 for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.,
11 shall be determined by the governing board of the charter school established by
12 contract under s. 118.40 (2r) (cm), 2009 stats., as approved by the chancellor of the
13 University of Wisconsin–Parkside and subject to the terms of any collective
14 bargaining agreement under subch. V of ch. 111 covering the instructional staff.

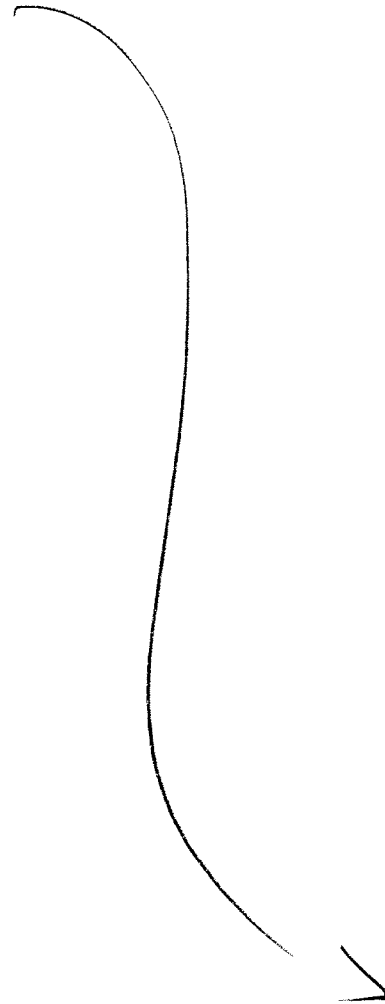
15 **SECTION 55. Nonstatutory provisions.**

16 (1) Notwithstanding section 15.56 (1) of the statutes, as created by this act, of
17 the initial members appointed to the charter school authorizing board under section
18 15.56 (1) (a) of the statutes, as created by this act, one member shall be appointed
19 for a term expiring on May 1, 2013, and one member shall be appointed for a term
20 expiring on May 1, 2015; of the initial members appointed under section 15.56 (1) (b)
21 of the statutes, as created by this act, one member shall be appointed for a term
22 expiring on May 1, 2013, and one member shall be appointed for a term expiring on
23 May 1, 2015; and of the initial members appointed under section 15.56 (1) (c) of the
24 statutes, as created by this act, one member shall be appointed for a term expiring
25 on May 1, 2013, and one member shall be appointed for a term expiring on May 1,

1 2015. All other initial members appointed to the charter school authorizing board
2 shall be appointed for terms expiring on May 1, 2014.

3

~~(LAW)~~



analysis 1



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0851/1
PG:wlj:rs

DOA:.....Hynek, BB0186 - Charter schools; allow UW 4-year institutions to establish

FOR 2011-13 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

~~This bill allows any four-year institution within the UW System to operate or to contract for the operation of a charter school with the approval of the Board of Regents.~~

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:

The University of Wisconsin

Parents

University of Wisconsin



no FF No entity authorized to establish an independent charter school may establish a virtual charter school.

FF This bill ^{allows} any 2-year or 4-year institution within the kw system, any technical college, any cooperative educational service agency, and any private college or university that is a member of the Wisconsin Association of Independent Colleges

Independent Colleges and Universities, to establish an independent charter school. The bill ^{also} creates

an independent state agency, the Charter School Authorizing Board (CSAB), and authorizes it to contract for the establishment of

independent charter schools. The CSAB consists of nine members, ^{of whom} three ~~are~~ appointed by the governor, three by the senate majority, and three appointed by the senate majority.

leaders, and three by the speaker of the assembly. The bill prohibits the speaker of the assembly from promulgating administrative rules.

9

The bill requires that every charter school be operated by a governing board and requires that every contract for the establishment of an independent charter school be with a nonprofit corporation.

~~prohibits a school board or other entity from establishing a charter school; i.e. every charter school must be operated~~

The bill removes the restrictions that limit who may attend an independent charter school and allows an entity to establish an independent charter school to establish a virtual charter school. The bill eliminates

the cap on the ^{number of pupils who may} ~~total enrollment~~ ^{through the Open Enrollment Program,}
attend virtual charter schools) currently set at
5,250.

(7)

The bill allows ^{charter school} contracts to exceed
^{five} years in certain circumstances, ~~that~~ allows
a contract to provide for more than one
charter schools, and allows a charter school
board to enter into more than one
contract. ^{that a charter school authorizer is} The bill provides ^{from} immunity
civil and criminal liability for ~~the~~
~~charter school authorizer~~ the activities of
the charter schools with which it has
contracted.

(8)

The bill requires every charter
school under contract with the ^{CSAB} CSAB
to pay an annual fee to the ^{CSAB} CSAB. The

allows
bill allows every charter school under
contract with the CSAB to ~~also~~ ^{provide} health
care ~~coverage~~ for its ^{employees} employees under
the Group Insurance Board health
coverage plan for local government employees. ©

9

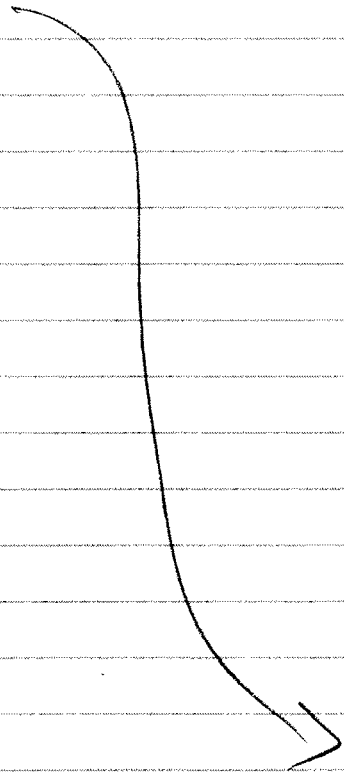
The bill provides that any person
who holds a teaching license issued by the
Department of Public Instruction (DPI) may
perform any instructional duty at any
grade level in a charter school. Under the bill,
any person who does not hold a DPI-issued teaching
license may be employed as instructional
staff in a charter school if he or she
obtains a charter school instructional
staff license from DPI. The bill allows
DPI to require that an applicant for such

employed
if he or she
instructional
staff
staff license from DPI. The bill allows
DPI to require that an applicant for such

↓

e (permit)

hold a bachelor's
 a license hold a bachelor's degree but
 prohibits DPI from limiting the subjects
 the applicant may teach based upon ~~the~~
 his or her
 his or her major field of study.





State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0852/1
PG:cjs:rs

DOA:.....Hynek, BB0187 - Charter schools; eliminate cap on reduction in general aid

FOR 2011-13 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. Current law provides that beginning in the 2011-12 school year, instead of reducing general school aid by the amount of charter school aid paid in the same school year, general school aid will be reduced by the amount of charter school aid paid in the 2010-11 school year. ↗

(w/ff) This bill eliminates this cap on the reduction in general school aid described above.

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:~~

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

end analysis

X

6-18

✓

Section #. 115.001 (16) of the statutes is amended to read:

115.001 (16) VIRTUAL CHARTER SCHOOL. "Virtual charter school" means a charter school ~~under~~ [✓]
~~contract with a school board under s. 118.40~~ [✓] in which all or a portion of the instruction is provided [✓]
through means of the Internet, and the pupils enrolled in and instructional staff employed by the
school are geographically remote from each other.

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.

13-16B : 1

x

Section #. 118.40 (8) (f) 1. of the statutes is amended to read:

118.40 (8) (f) 1. The members of the ~~school board~~ ^{governing body of the entity} that contracted for the establishment of the virtual charter school and the administrators of that ~~school district~~ ^{entity}

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.

Section #. 118.40 (8) (g) 2. of the statutes is amended to read:

118.40 (8) (g) 2. Subject to subd. 2m., the third time in the same semester that a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the governing body of the virtual charter school shall also notify the ~~school board~~^{governing body} that contracted for the establishment of the virtual charter school, the school board of the pupil's resident school district, and the department. The ~~school board~~^{the school board} that contracted for the establishment of the virtual charter school may transfer the pupil to his or her resident school district. If the pupil is a resident of the school district that contracted for the establishment of the virtual charter school, the school board may assign the pupil to another school or program within that school district. If the ~~school board~~^{governing body} transfers or ~~assigns~~^{the school board} a pupil, it shall notify the pupil's parent or guardian and the department.

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.

governing body of the entity

<use 2x>

✓

Section #. 118.40 (8) (g) 3. of the statutes is amended to read:

118.40 (8) (g) 3. The parent or guardian of a pupil transferred to the pupil's resident school district under subd. 2. may appeal the transfer to the department within 30 days after receipt of the notice of transfer. The department shall affirm the ~~school board's~~ decision unless the department finds that the decision was arbitrary or unreasonable.

governing body's

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.

15-19:1

④

SEC. #. CR. 119.60 (5)

④

119.60 (5) ^③ Annually, ^{by August 1} the common council

shall ^{report} report to the department, the charter school authorizing board, and the legislature

under s. 13.172 (2) all of the following:

④

(a) All instances ^{in the previous school year} in which a person ~~to a city official or employee~~ expressed interest in purchasing or leasing any ^{city-owned} ~~land~~ property used for school purposes to a city official or employee. If the

(b) The ~~status of all city-owned property used for school purposes for which an offer to purchase was made in the previous school year~~

property was not ^{sold or leased} sold or leased, the report shall indicate the reason.

15-19:2

⑨

(b) All sales of city-owned property
 used for school purposes purchases that occurred
 in the previous school year and all ^{leases} lease
 of ~~such property~~ such property that were
 entered into in the previous school year.
 entered into in the previous school year.

④ SEC. #. AM. 118.40(8) (a) (intro.)

1 118.40 (8) (a) *Location.* (intro.) For the purposes of sub. (7) (a), (am), and (ar),
2 a virtual charter school under contract with one or more school boards is considered
3 to be located in the following school district:

4 ~~SECTION 3. 118.51 (1) (ag) of the statutes is created to read:~~

5 118.51 (1) (ag) "~~Charter school~~" excludes a school ~~under contract with an entity~~
6 ~~under s. 118.40 (2r) (b).~~

7 SECTION 4. 121.02 (1) (a) 2. of the statutes is amended to read:

8 121.02 (1) (a) 2. ~~Subject~~ Except as provided in s. 118.40 (2r) (d) 1. and subject
9 to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in
10 the school district hold a license or permit to teach issued by the department. For
11 purposes of this subdivision, a virtual charter school under contract with one or more
12 school boards is located in the school district specified in s. 118.40 (8) (a) and a charter
13 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified
14 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining
15 "instructional staff" for purposes of this subdivision.

16 ~~(END)~~

13-16
A

15-19
3

INITIAL APPLICABILITY

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

SECTION # 93 **Initial applicability;**

(#1) () CHARTER SCHOOL CONTRACTS

The treatment of sections ^{and}

118.40(2m), (a), (2r), (b)1. (intro.) and 2. ~~(b), (d), (intro.)~~ (e) 2. ~~(e)~~
~~(a)~~, (3), (e) 2., (f), (g) and (h), (4) (ag) ~~(a)~~ and (d), and (7)
(am) 3.

..... of the statutes
first applies to a contract entered into, renewed, or modified
on the effective date of this subsection.

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

SECTION # _____ **Initial applicability;**

(#1) () This act first

applies to

for the establishment of a
charter school that is

2009

Nonstat File Sequence: **EEE**

LRB _____ / _____

INITIAL APPLICABILITY

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

SECTION # 93 **Initial applicability,**

(#1) () SCHOOL LEASES ⊙

..... 118:40:2r:g The treatment of sections ...
 118:40(2r)(g)

..... of the statutes
 first applies to a lease entered into, renewed, or
modified on the effective date of this subsection

→ (End) ←

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

SECTION # **Initial applicability,**

(#1) () This act first
 applies to

Grant, Peter

From: Todd Ziebarth [Todd@publiccharters.org]
Sent: Thursday, January 13, 2011 11:34 AM
To: Grant, Peter
Cc: Schulze, Connie; Dennis Conta; John Gee
Subject: FW: Charter Schools

Peter,

As we finalize the charter schools legislation, there are a few outstanding issues that we'd like to address with your help. One of them deals with the retirement system issue. Please see the e-mail exchange below between John Gee and Bob Conlin. Based upon Bob's response, we think it's a good idea to clarify in statutes that charters are public entities carrying out a governmental function and are eligible for participation in the retirement system if they so choose. Perhaps we should put this item on the agenda for tomorrow's meeting at 2 pm?

I'll send you a short list of other items by the end of the day.

Thanks for your help.

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From: John Gee <jgee@wicharterschools.org>
Date: Tue, 11 Jan 2011 18:17:13 -0500
To: Dennis <dennis@dconta.com>, Todd Ziebarth <Todd@PublicCharters.org>
Subject: Fwd: RE: Charter Schools

Here now is the definitive information we need on the retirement program. The issue is clarifying in the law the status of the charter schools. **As I told you, all the problem arises over the use of the word non instrumentality in the law.** If we make it clear in the law that all the charters are public entities carrying out a governmental function then they will pass muster with the Feds.

As well, there is no significant cost to the state for charters to join.

As you can see from Bob's email, an NI or 2r school could apply right now and maybe get admitted. Putting it in our bill will give the WRS a stronger rationale to use with the Feds to let them in. And, making the clarifications Bob is seeking benefits us in a number of other ways as well. So, we should do it.

----- Original Message -----

Subject: RE: Charter Schools
Date: Tue, 11 Jan 2011 17:03:05 -0600
From: Conlin, Bob <Bob.Conlin@etf.state.wi.us>
To: 'John Gee' <jgee@wicharterschools.org>

John:

Ideally, the statutes will be as clear as possible that these entities are public or quasi-public entities, that they are intended to carry out a governmental purpose and that the entities may choose to participate in the WRS. While I understand that there may be some desire to keep the legislation as clean as possible, the clearer the standing of the particular entity is in the statutes, the easier the case will be to make to us and the federal authorities (IRS and/or SSA) that they are properly included in the WRS. In fact, state law is the first and primary thing the federal government looks to in determining whether an entity can properly be placed in a governmental plan. It's not the only thing, but it is very key. We have some anecdotal evidence that suggests that IRS/SSA may pay special attention to charter schools because their numbers are growing around the country and because their governance structures are not uniform. Making the statutes clear regarding their status will also make it much more likely that there will be consistent treatment across these charter entities that so choose to come in.

As I indicated to you when we met, I think one of the problems with the current configurations of various charter schools and their ability to join the WRS is the fact that they are specifically identified as "non-instrumentality" charter schools. Whatever that may mean in practice under school law, it certainly creates a problem in making the case that they are, in fact, instrumentalities of a governmental body, which is really what we need to see for purposes of the WRS.

That's not to say that the law needs to be clear on every element (though we strongly encourage it). What other changes are you making in the law? Are you aware of any non-instrumentality charters having applied to come in to the WRS? We would be more than willing to take a look at the draft legislation and give you our feedback and perhaps try to get our federal contacts to weigh in. We also have seen some evidence that the feds will give weight to the opinion of the Attorney General if the AG opines on an entity's governmental status under state law.

Again, we're willing to work with you to try to meet the intent of the legislation.

As to the costs, obviously any charter school that comes in will have to pay WRS contributions. Normally, our costs for providing administrative services to a new employer are relatively minimal. How many new charter schools might we be likely to see under the proposal? I'm guessing our administrative costs would not be significant if they are just going to be regular employers. Ultimately, as more members enter the system, our customer service demands increase. This is certainly happening now with the baby boom generation. If some of our biennial budget request is granted and if we don't see cuts in our budget, I don't anticipate significant problems absorbing some new charter schools as employers.

I hope some of this is useful. Let me know if you need additional assistance.

Bob

Bob Conlin, Deputy Secretary
Wisconsin Dept. of Employee Trust Funds
(608)261-7940

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From: John Gee [<mailto:jgee@wicharterschools.org>]
Sent: Tuesday, January 11, 2011 12:57 PM
To: Conlin, Bob
Subject: Charter Schools

Bob, I hope you had a good holiday.

We are coming close to finalizing the charter legislation that Senator Darling and Representative Vos will introduce. We are still working on the issue of allowing charter teachers in non-instrumentality and 2r schools to join the state retirement system.

I need your guidance. If we don't have to put it in the law but rather could work it out administratively with your department, we would prefer that. In other words, the question is: do we need a law to get these schools into the system, if they want to join?

After my conversation with you, I believe they already meet the criteria to join the system. All non-instrumentality and 2r schools are brought into being (authorized) by governmental entities, i.e., local school districts, the University of Wisconsin, Milwaukee, the City of Milwaukee, or the University of Wisconsin, Parkside.

In turn, all of these schools are fully public and empowered under state law to provide public services. They are in no sense a hybrid of public and private. The schools themselves are non-profit organizations.

Is there a way to get a determination that these independent charter schools could join the system if they want? Or, do we in fact, need to address it in state law.

Finally, another question came up. Does the inclusion of these schools in the system cost the state money? If so, is there a major impact?

Thank you for your assistance, it is greatly appreciated.

1/13/2011

John Gee
Executive Director
Wisconsin Charter Schools Association
608-886-4339

1. **Higher education institutions.** After much thought and discussion with a wide variety of charter school supporters across the state, we suggest that the bill be changed to encourage higher educational institutions to co-sponsor charter schools (instead of allowing higher educational institutions to become authorizers). When Georgia created its charter school authorizing board in 2008, it took a similar approach.

Based upon the hard lessons learned in Ohio and Minnesota (the two states that opened up authorizing to the largest number of entities), there should be a process by which potential authorizers apply to receive the ability to authorize charter schools. In Wisconsin, the most logical entity to play that gate-keeping role is the state superintendent of public instruction. However, we are unsure about whether we should give that authority to the current state superintendent of public instruction.

At this point, we think it's most prudent to expand authorizing options in Wisconsin by creating a charter school authorizing board and allowing CESAs to become authorizers, while encouraging higher education institutions to become more involved in the charter school sector by co-sponsoring charter schools.

Here's the language that we'd like to include:

“Co-Sponsors. (a) Co-sponsors may collaborate with charter applicants to provide the highest level of public education to all students, including but not limited to, low-income, low-performing, and underserved populations and to students with special needs.

(b) Co-sponsors shall have no authority to authorize charter schools. Cosponsors may partner with charter applicants to provide community support for the proposed charter school. This support may include technical assistance, academic support, curriculum review, financial assistance, or other support as agreed to between the cosponsor and the charter school.

(b) Co-sponsors shall include the chancellor of an institution within the University of Wisconsin System, the dean of a college campus within the University of Wisconsin System, a technical college district board, and a private college or university that is a member of the Wisconsin Association of Independent Colleges and Universities.”

2. **Retirement system.** Per the e-mail exchange between John Gee and Bob Conlin, we would like to clarify in statute that charters are public entities carrying out a governmental function and are eligible for participation in the retirement system if they so choose.

3. **Staffing for the charter school authorizing board.** The current draft has the following language on p. 7 [Section 17, 118.395, (2)]:

"(2) The executive director of the charter school authorizing board may employ 4 professional staff members outside the classified service. Subject to authorization under s. 16.505, the executive director may employ additional professional staff members outside the classified service."

Will this create a fiscal impact on the state budget? If so, we would prefer to change the language to read as follows so that it doesn't have a fiscal impact on the state budget:

unecessary
"(2) The executive director of the charter school authorizing board may employ professional staff members outside the classified service to be funded with private donations and the fees established in 118.40 (9) (b), subject to the approval by the charter school authorizing board."

✓✓ **4. Audits.** The bill currently requires the legislative audit bureau to conduct audits of charter schools every five years. These audits should actually be of charter school authorizers, not charter schools. We suggest that the language in (d) on p. 14 be changed to reflect this difference. *See changes*

✓ **5. Clarifying local educational agency status of 2r charter schools.** The bill does not provide that an operator of a 2r charter school is a local educational agency (LEA). Current law provides that 2r charter schools are LEAs for the purposes of serving children with disabilities, which isn't comprehensive enough. To ensure that 2r charter schools are eligible for all relevant funding streams (such as Title I), we think it is critical to clarify that 2r charter schools are LEAs. Here is our suggested language: *20450 4311 ?*

"A charter school authorized by an entity under sub. (2r) is its own local educational agency."

✓✓ **6. Governing boards for 2r charters authorized by UW-Parkside.** Current law requires that the chancellor of the UW-Parkside or his or her designee must be a member of the charter school's governing board. We think that creates a conflict of interest with UW-Parkside's role as an authorizer. We suggest that this language be removed. It is the first sentence in 118.40 (2r) (b) 3.

✓✓ **7. Contract terms.** We'd like to remove the language that we had previously suggested regarding charter terms (~~p. 10, lines 18-22~~). *p. 12 l. 3-11*

N **8. Highly-qualified teachers.** The No Child Left Behind Act defers to state laws to determine the relationship of teacher licensing to the definition of highly qualified teachers for public charter schools. Therefore, we think it is critical that the following language be added back to the bill:

"All individuals holding a charter school license issued by the department shall be considered highly qualified instructional staff."

by whom?

According to the U.S. Department of Education's "The Impact of the New Title I Requirements on Charter Schools":

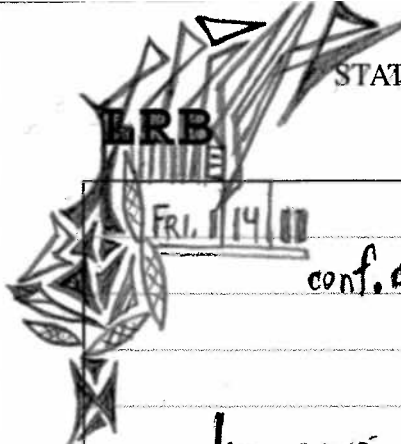
E-2. What qualifications do teachers in charter schools have to meet under NCLB?

The law provides that a teacher who teaches core academic subjects in a charter school meets the certification requirement if he or she meets the requirements set forth in a State's charter school law regarding certification or licensure [*Section 9101(23)(A)(i)*]. Thus, a teacher in a charter school does not have to be licensed or certified by the State if the State's charter law does not require such licensure or certification. All other elements of the "highly qualified teacher" requirement apply to charter school teachers in the same way, and on the same timeline, that they apply to teachers in traditional public schools.¹

9. Access to unused and underutilized buildings. We are currently finalizing language that we'd like to suggest to address the issue of access to unused and underutilized buildings. We expect to have that language in hand next week.

10. Funding 2r charter schools. We are currently finalizing language that we'd like to suggest to address the issue of funding 2r charter schools. We expect to have that language in hand next week.

¹ See p. 14 at <http://www2.ed.gov/policy/elsec/guid/charterguidance03.pdf>



conf. call w/ charter school people

Sen Darling Regis aide, Lyla Merrifield } etc. etc.
Sen. Luther Olsen, Darling aide

discussion of /1 + 10-point memo w/ changes suggested

① higher ed. institutions

"co-sponsor" : univ. / colleges play role
in operation of a ch school
& play role in starting a ch school
(+ role in operation)

authorizers :- state board, school districts
- CESAS
& other current authorizers

⇒ authorizer may K for services :
incl. K's w/ UW etc. trad's
priv. colleges

② ✓

③ ?

④ LAB audit the authorizers every 5 years

UNIM
city & MMS incl. sch. bds

⇒ delete audits

⇒ req. every authorizer to report (p.17)

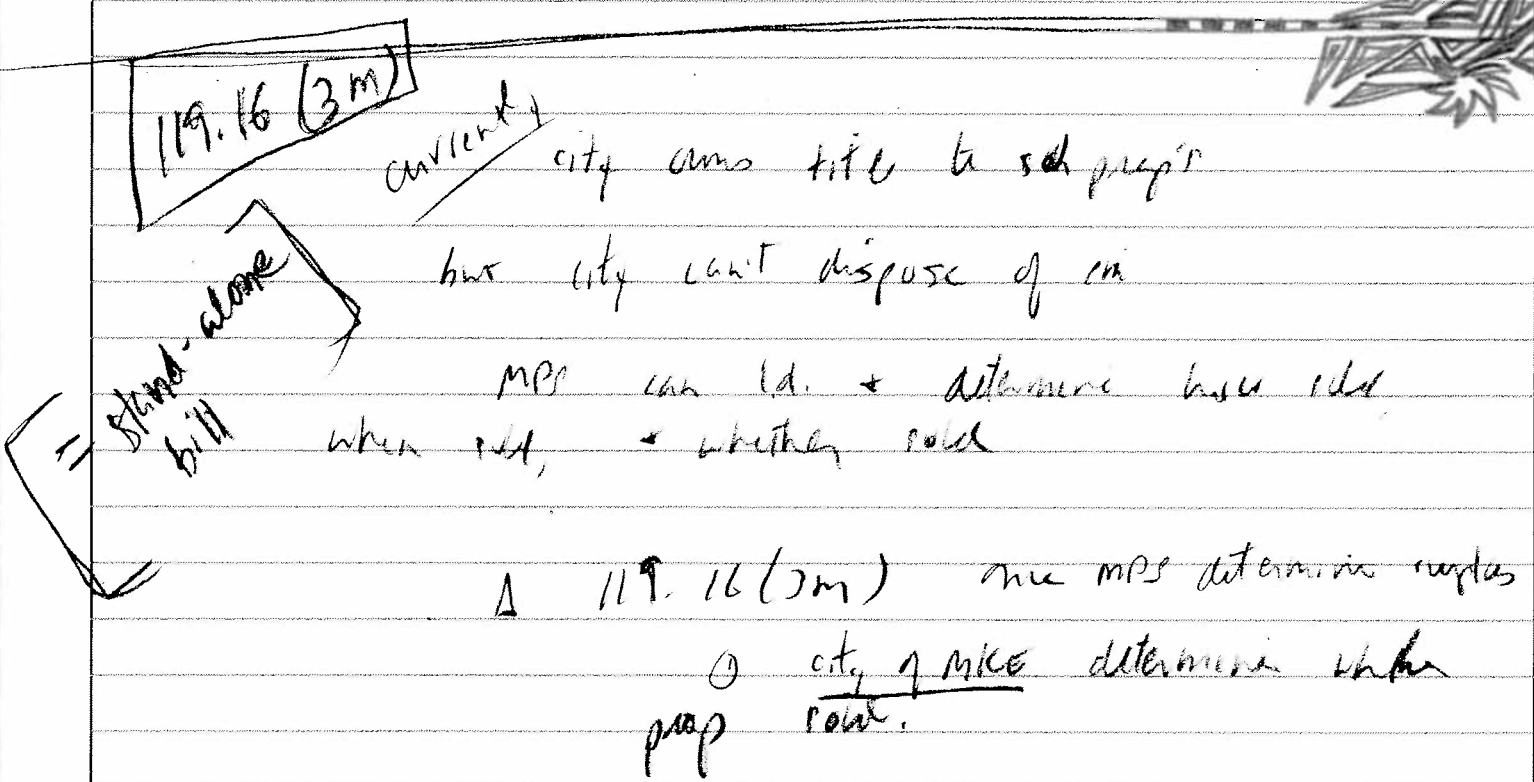
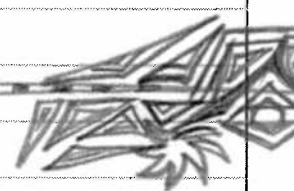


⑤ RE ch. schwa do having L&A - my leasing ok

⑥ OK

⑦ p. 12 l 2-11 delete

⑧ 'highly qualified teacher'
 Todd will get back to me on
 licensure g's.



② make it retroactive to existing surplus property

③ # generated : where does it go?

④ one surplus + city has determination to make - how

long before City have to
approve of it? Shd. be desirable.

~~WALTER
GREEN~~ ~~Add
sch. bd. could convert all of its
schools to charter schools~~

~~see 118.40 (2) (b)~~

~~i.e. eliminate the 2 conditions~~

~~(instrumentality ch. schools)~~

~~[BUT all ch. schools must be governed by non-partisan]~~

~~They'll get back to me~~

~~"gov bds are ~~not~~ the
non-partisan corp")~~