



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0567/1
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SENATE AMENDMENT ,
TO 2011 SENATE BILL 22

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 15, line 6: delete “dividing” and substitute “multiplying”.

3 **2.** Page 15, line 7: delete the material beginning with “by” and ending with
4 “quotient” on line 9.

5 **3.** Page 15, line 11: delete “and total pupil enrollment”.

6 (END)



5/2/11

1 pm

TC w/ Sarah Archibald

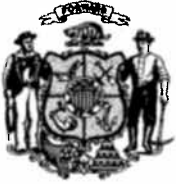
220-4082

In sub, change bill so that only the CSAB must be w/ a nonprofit to operate a ch. school. All others can establish ^{a CS} themselves & be w/ any person to do so.

4:15 pm

TC from Sarah

Olson: state be. can't authorize any virtual charter schools



State of Wisconsin
2011 - 2012 LEGISLATURE

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LRB-0584/3
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SEN. SUBST. AMDT. —
TO 2011 SENATE BILL 22

LRB 50094 1
Pg. 95

SAV
MEMO SAV

February 23, 2011 - Introduced by Senators DARLING, OLSEN, LAZICH, VUKMIR and GALLOWAY, cosponsored by Representatives VOS, KESTELL, MARKLEIN, VAN ROY, KLEBFISCH, PRIDEMORE, BIES, NASS, HONADEL, BALLWEG, KNÖDL and MURSAU. Referred to Committee on Education.

repeal

1 AN ACT *to repeal* 118.40 (2r) (b) 4., 118.40 (2r) (c) and (cm), 118.40 (7) (am) 3.,
2 118.40 (8) (h) and 118.51 (3) (a) 7.; *to renumber* 118.51 (1) (a); *to renumber*
3 *and amend* 118.40 (3) (d), 118.40 (3) (e), 118.40 (4) (a) and 118.40 (4) (c); *to*
4 *amend* 20.923 (6) (m), 40.02 (28), 40.02 (36), 40.51 (1), 111.81 (7) (f), 111.815 (1),
5 111.825 (2) (f), 111.92 (1) (c), 115.001 (1), 115.001 (16), 118.40 (2m) (a), 118.40
6 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2., 118.40 (2r) (b) 3. (intro.), 118.40 (2r) (bm),
7 118.40 (2r) (d) (intro.), 118.40 (2r) (e) 2., 118.40 (2r) (f), 118.40 (4) (title), 118.40
8 (7) (am) 1., 118.40 (8) (a) (intro.), 118.40 (8) (f) 1., 118.40 (8) (g) 2., 118.40 (8) (g)
9 3., 118.51 (3) (a) 6., 118.51 (3) (b), 121.02 (1) (a) 2., 121.08 (4) (a) 1., 230.08 (2)
10 (dm) and 230.35 (1s); and *to create* 15.07 (1) (a) 7., 15.56, 20.265, 20.515 (1) (g),
11 20.923 (4) (e) 1. c., 20.923 (6) (aLm), 40.515, 118.19 (14), 118.395, 118.40 (2r) (b)
12 1. e. and f., 118.40 (2r) (g), 118.40 (3) (f), 118.40 (3) (g), 118.40 (3m) (intro.),
13 118.40 (3m) (a) and (d) to (f), 118.40 (4) (ag), 118.40 (4) (ar) 3., 118.40 (4) (d),
14 118.40 (4) (e), 118.40 (4) (f), 118.40 (7) (c), 118.51 (1) (ag), 119.60 (5) and 230.08

SENATE BILL 22

charter schools

1 (2) (wc) of the statutes; **relating to** creating a Charter School Authorizing
 2 Board, providing additional charter school authorizers, eliminating the limit on
 3 the number of pupils who may attend virtual charter schools, modifying teacher
 4 licensure requirements, eliminating the limit on the reduction in general school
 5 aid used to fund independent charter schools, covering certain charter school
 6 employees under the Group Insurance Board health coverage plan for local
 7 government employees, allowing a charter school to elect to participate in the
 8 Wisconsin Retirement System, granting rule-making authority, and making
 9 an appropriation.

Analysis by the Legislative Reference Bureau

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 the University of Wisconsin (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. No entity authorized to establish an independent charter school may establish a virtual charter school.

This ~~bill~~ allows a cooperative educational service agency ^(CESA) 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 leader, and ~~three~~ by the speaker of the assembly. The ~~bill~~ prohibits the CSAB from promulgating administrative rules. ^(2A)

the state superintendent of public instruction and eight other

~~The bill~~ requires that every charter school be operated by a governing board and ~~that~~ every contract for the establishment of a charter school be with a nonprofit corporation. The ~~bill~~ removes the restrictions that limit who may attend an independent charter school and allows an entity that is authorized to establish an independent charter school to establish a virtual charter school. The ~~bill~~ eliminates the cap on the number of pupils who may attend virtual charter schools through the Open Enrollment Program, currently set at 5,250.

The ~~bill~~ allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one

of the latter members, six

two

state superintendent

substitute amendment

entered into by the CSAB must

other than the CSAB

SENATE BILL 22

Amend the 2016-17 school year,
substitute amendment
The bill limits the number of contracts that the CSAB may enter into.

an authorizing entity, including

contract. ~~The bill provides that a charter school authorizer is immune from civil and criminal liability for the activities of the charter schools with which it has contracted.~~

3 AA

The ~~bill~~ requires every charter school under contract with the CSAB to pay an annual fee to the CSAB. The ~~bill~~ allows every charter school under contract with the CSAB to provide health care for its employees under the Group Insurance Board health coverage plan for local government employees. Although a charter school's employees are not state employees and may not be local government employees, the ~~bill~~ provides that a charter school's governing board may elect to become a participating employer under the Wisconsin Retirement System.

substitute amendment

The ~~bill~~ directs the Department of Public Instruction to promulgate rules establishing a charter school teaching license that allows the licensee to teach multiple subjects in a charter school. The rules must require the applicant to demonstrate competence in each subject and must provide the applicant several means of doing so.

3A

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. This ~~bill~~ eliminates this cap on the reduction in general school aid described above.

3B

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 15.07 (1) (a) 7. Members of the charter school authorizing board appointed
3 under s. 15.56 shall be appointed as provided in that section.

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

5 **15.56 Charter school authorizing board. (1)** There is created a charter
6 school authorizing board consisting of the following members appointed for 3-year
7 terms:

state superintendent of public instruction and the

8 (a) ~~Three~~ ^{Six} members appointed by the governor, ~~no more than 2 of whom may~~
9 ~~belong to the same political party.~~

if the charter school has become a participating employer in the Wisconsin Retirement System

SENATE BILL 22

SECTION 2

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

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

5 (2) The appointing authorities under sub. (1) shall ensure to the extent feasible
6 that members appointed to the board are geographically diverse and have experience
7 and expertise in governing public and nonprofit organizations; in management and
8 finance; in public school leadership, assessment, and curriculum and instruction;
9 and in education law; and understand and are committed to the use of charter schools
10 to strengthen public education.

appointed under sub. (1)

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

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

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

14 **20.265 Charter school authorizing board.** There is appropriated to the
15 charter school authorizing board for the following programs:

16 (1) SUPPORT OF CHARTER SCHOOLS. (g) *Oversight.* All moneys received as fees
17 under s. 118.40 (4) (ar) 3. to perform its functions under s. 118.40.

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

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

21 ~~20.515 (1) (g) *Benefit and coverage payments; charter school health care*
22 *coverage.* All moneys received from charter school governing boards under s. 40.515
23 who elect to provide coverage for their employees in a health care coverage plan
24 under s. 40.51 (7), for the payment of benefits and the cost of administering benefits
25 under s. 40.515.~~

4-4 →

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

2 20.923 **(4)** (e) 1. c. Charter school authorizing board: executive director.

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

4 20.923 **(6)** (aLm) Charter school authorizing board: unclassified professional
5 staff.

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

7 20.923 **(6)** (m) University of Wisconsin System: deans, principals, professors,
8 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
9 (55), the staff of the environmental education board, and instructional staff
10 employed by the board of regents of the University of Wisconsin System who provide
11 services for a charter school established by contract under s. 118.40 (2r) (cm), 2009
12 stats.

13 **SECTION 8.** 40.02 (28) of the statutes is amended to read:

14 40.02 **(28)** “Employer” means the state, including each state agency, any
15 county, city, village, town, school district, other governmental unit or
16 instrumentality of 2 or more units of government now existing or hereafter created
17 within the state, any charter school under contract with a school board or with an
18 entity specified in s. 118.40 (2r) (b) 1., any federated public library system established
19 under s. 43.19 whose territory lies within a single county with a population of
20 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit
21 authority created under s. 66.1039, and a long-term care district created under s.
22 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not
23 include a local cultural arts district created under subch. V of ch. 229. Each employer
24 shall be a separate legal jurisdiction for OASDHI purposes.

25 **SECTION 9.** 40.02 (36) of the statutes is amended to read:

SENATE BILL 22

SECTION 9

1 40.02 (36) "Governing body" means the legislature or the head of each state
2 agency with respect to employees of that agency for the state, the common council
3 in cities, the village board in villages, the town board in towns, the county board in
4 counties, the school board in school districts, or the board, commission or other
5 governing body having the final authority for any other unit of government, for any
6 agency or instrumentality of 2 or more units of government, for any federated public
7 library system established under s. 43.19 whose territory lies within a single county
8 with a population of 500,000 or more, for a local exposition district created under
9 subch. II of ch. 229, for a charter school under contract with a school board or with
10 an entity specified in s. 118.40 (2r) (b) 1., or for a long-term care district created
11 under s. 46.2895, but does not include a local cultural arts district created under
12 subch. V of ch. 229.

6-12 →
13 **SECTION 10.** 40.51 (1) of the statutes is amended to read:

14 40.51 (1) The procedures and provisions pertaining to enrollment, premium
15 transmitted and coverage of eligible employees and employees eligible for health
16 care coverage under s. 40.515 for health care benefits shall be established by contract
17 or rule except as otherwise specifically provided by this chapter.

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

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

SENATE BILL 22

1 enrollment period, subject to any conditions established by contract or by rule under
2 s. 40.51 (1).

3 SECTION 12. 111.81 (7) (f) of the statutes is amended to read:

4 111.81 (7) (f) Instructional staff employed by the board of regents of the
5 University of Wisconsin System who provide services for a charter school established
6 by contract under s. 118.40 (2r) (cm), 2009 stats.

*as affected by 2011
Wisconsin Act 10,*

7 SECTION 13. 111.815 (1) of the statutes is amended to read:

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

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SECTION 13

1 legislative action. With respect to the collective bargaining units specified in s.
2 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible
3 for the employer functions under this subchapter. With respect to the collective
4 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter
5 school established by contract under s. ~~118.40 (2r) (cm), 2009 stats.~~, is responsible
6 for the employer functions under this subchapter. With respect to the collective
7 bargaining unit specified in s. 111.825 (2g), the department of health services is
8 responsible for the employer functions of the executive branch under this
9 subchapter.

10 **SECTION 14.** 111.825 (2) (f) of the statutes is amended to read:

11 111.825 (2) (f) Instructional staff employed by the board of regents of the
12 University of Wisconsin System who provide services for a charter school established
13 by contract under s. 118.40 (2r) (cm), 2009 stats.

14 **SECTION 15.** 111.92 (1) (c) of the statutes is amended to read:

15 111.92 (1) (c) Any tentative agreement reached between the governing board
16 of the charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.,
17 acting for the state, and any labor organization representing a collective bargaining
18 unit specified in s. 111.825 (2) (f) shall, after official ratification by the labor
19 organization and approval by the chancellor of the University of
20 Wisconsin-Parkside, be executed by the parties.

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

22 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
23 with a school board under s. 118.40 or with one of the entities under s. 118.40 (2r) (b);
24 ~~or a school established and operated by one of the entities under s. 118.40 (2r) (b).~~

25 **SECTION 17.** 115.001 (16) of the statutes is amended to read:

8-9

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1 115.001 (16) VIRTUAL CHARTER SCHOOL. "Virtual charter school" means a charter
 2 school ~~under contract with a school board under s. 118.40~~ in which all or a portion
 3 of the instruction is provided through means of the Internet, and the pupils enrolled
 4 in and instructional staff employed by the school are geographically remote from
 5 each other.

6 **SECTION 18.** 118.19 (14) of the statutes is created to read:

7 118.19 (14) The department shall promulgate rules establishing a charter
 8 school teaching license that allows the licensee to teach multiple subjects in a charter
 9 school. The rules shall require the applicant to demonstrate competence in each
 10 subject that he or she wishes to teach and shall provide the applicant several means
 11 of doing so.

12 **SECTION 19.** 118.395 of the statutes is created to read:

13 **118.395 Charter school authorizing board; executive director, staff. (1)**

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

17 **(2)** The executive director of the charter school authorizing board may employ
 18 4 professional staff members outside the classified service. Subject to authorization
 19 under s. 16.505, the executive director may employ additional professional staff
 20 members outside the classified service.

9-20 →

21 **SECTION 20.** 118.40 (2m) (a) of the statutes is amended to read:

22 118.40 (2m) (a) A school board may on its own initiative contract with a person
 23 nonprofit corporation to operate a school as a charter school. The contract shall
 24 include all of the provisions specified under sub. (1m) (b) and may include other
 25 provisions agreed to by the parties.

9-25 →

*Except as provided
in par. (br)g
any*

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1 SECTION 21. 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

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

PLAIN

4 SECTION 22. 118.40 (2r) (b) 1. e. and f. of the statutes are created to read:

5 118.40 (2r) (b) 1. e. The board of control of a cooperative educational service
6 agency.

7 f. The charter school authorizing board.

8 SECTION 23. 118.40 (2r) (b) 2. of the statutes is amended to read:

9 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
10 ~~sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under~~
11 ~~sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter~~
12 ~~school on the liability of the contracting entity under this paragraph. The contract~~
13 ~~may include other provisions agreed to by the parties. The chancellor of the~~
14 ~~University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may~~
15 ~~not establish or enter into a contract for the establishment of a charter school under~~
16 ~~this paragraph without the approval of the board of regents of the University of~~
17 ~~Wisconsin System.~~

10-19 ✓

18 SECTION 24. 118.40 (2r) (b) 3. (intro.) of the statutes is amended to read:

19 118.40 (2r) (b) 3. (intro.) If the chancellor of the University of
20 Wisconsin-Parkside contracts for the establishment of a charter school, ~~the contract~~
21 ~~shall also provide that the charter school must be operated by a governing board and~~
22 ~~that the chancellor or his or her designee must be a member of the governing board.~~
23 ~~In addition, if and the contract provides that the instructional staff of the charter~~
24
25

SENATE BILL 22

1 school shall consist of employees of the board of regents of the University of
2 Wisconsin System, the contract shall also include provisions that do all of the
3 following:

4 SECTION 25. 118.40 (2r) (b) 4. of the statutes is repealed.

5 SECTION 26. 118.40 (2r) (bm) of the statutes is amended to read:

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

16 SECTION 27. 118.40 (2r) (c) and (cm) of the statutes are repealed.

17 SECTION 28. 118.40 (2r) (d) (intro.) of the statutes is amended to read:

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

20 SECTION 29. 118.40 (2r) (e) 2. of the statutes is amended to read:

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

11-15

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SECTION 29

1 is eligible in the current school year multiplied by the number of pupils attending the
2 charter school who attended the charter school in the 2010-11 school year and who
3 were previously enrolled in the unified school district.

4 SECTION 30. 118.40 (2r) (f) of the statutes is amended to read:

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

11 SECTION 31. 118.40 (2r) (g) of the statutes is created to read:

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

12-15 →

16 SECTION 32. 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (c) and
17 amended to read:

18 118.40 (3m) (c) ~~A school board or an entity under sub. (2r) (b) shall give~~ Give
19 preference in awarding contracts for the operation of charter schools to those charter
20 schools that serve children at risk, as defined in s. 118.153 (1) (a).

21 SECTION 33. 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (b) and
22 amended to read:

23 118.40 (3m) (b) ~~When establishing or~~ When contracting for the establishment
24 of a charter school under this section, ~~a school board or entity specified under sub.~~

~~When establishing or~~ When

STET:
Keep as typed

SENATE BILL 22

1 ~~(2r) (b) shall consider~~ adhere to the principles and standards for quality charter
2 schools established by the National Association of Charter School Authorizers.

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

4 118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may
5 provide for the establishment of more than one charter school, and a charter school
6 governing board may enter into more than one contract with a school board or entity
7 under sub. (2r) (b).

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

9 118.40 (3) (g) ^{1.} Except as provided in sub. (4) (ar) 1., a contract with a school
10 board ~~or~~ an entity under sub. (2r) (b) shall require that if the capacity of the charter
11 school is insufficient to accept all pupils who apply, the charter school shall accept
12 pupils at random.

13 SECTION 36. 118.40 (3m) (intro.) of the statutes is created to read:

14 118.40 (3m) CHARTER SCHOOL AUTHORIZER DUTIES. (intro.) A school board or
15 entity under sub. (2r) (b) shall do all of the following:

16 SECTION 37. 118.40 (3m) (a) and (d) to (f) of the statutes are created to read:

17 118.40 (3m) (a) Solicit and evaluate charter school applications.

18 (d) Approve only high quality charter school applications that meet identified
19 educational needs and promote a diversity of educational choices.

20 (e) In accordance with the terms of each charter school contract, monitor the
21 performance and compliance with this section of each charter school with which it
22 contracts.

23 (f) Annually, submit to the state superintendent and to the legislature under
24 s. 13.172 (2) a report that includes all of the following:

*
Handwritten notes and scribbles on the left margin, including a box containing "13-12" and a list of names.

subds. 2. and 3. and

STET: leave as typed

SENATE BILL 22

1. An identification of each charter school operating under contract with ^{it} the school board or entity under sub. (2r) (b), each charter school that operated under a contract with ^{it} the school board or entity but had its contract nonrenewed or revoked or that closed, and each charter school under contract with the school board or entity that has not yet begun to operate.

2. The academic and financial performance of each charter school operated under contract with the school board or entity under sub. (2r) (b). ^{it}

3. The services the school board or entity under sub. (2r) (b) has provided to the charter schools under contract with it and an itemized accounting of the cost of the services.

3. The operating costs of the school board or entity under sub. (2r) (b) incurred under pars. (a) to (e), ^{as} detailed in ~~an audited financial statement prepared in accordance with generally accepted accounting principles.~~ ^{its annual budget}

SECTION 38. 118.40 (4) (title) of the statutes is amended to read:

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

SECTION 39. 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of the following:

SECTION 40. 118.40 (4) (ag) of the statutes is created to read:

118.40 (4) (ag) *Governing board.* Each charter school shall be ~~organized as a nonprofit corporation and shall be~~ governed by a governing board that is a party to the contract with the authorizing entity. ~~No governing board member may be a~~

STET: leave as typed

SENATE BILL 22

1 ~~member or employee of the governing body of the authorizing entity.~~ No more than
2 a minority of the governing board's members may be charter school staff.

3 SECTION 41. 118.40 (4) (ar) 3. of the statutes is created to read:

4 118.40 (4) (ar) 3. If the governing board is under contract with the charter
5 school authorizing board, annually pay to the board a fee equal to the amount
6 determined by ~~dividing~~ ^{multiplying} the operational costs of all charter schools that it operated
7 under contract with the board in the previous school year ~~by the total number of~~
8 ~~pupils enrolled in all such charter schools in the previous school year and multiplying~~
9 ~~the quotient~~ by 0.02. In order to determine the fee payable in the first school year
10 of operation, the charter school governing board shall estimate its total operational
11 costs ~~and total pupil enrollment~~ in that school year.

12 SECTION 42. 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and
13 amended to read:

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

20 SECTION 43. 118.40 (4) (d) of the statutes is created to read:

21 118.40 (4) (d) Powers. Subject to the terms of its contract, a charter school
22 governing board has all the powers necessary to carry out the terms of its contract,
23 including the following:

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

SENATE BILL 22

SECTION 43

1 3. To enter into contracts, including contracts with a University of Wisconsin
2 institution or college campus, technical college district board, or private college or
3 university, for technical or financial assistance, academic support, curriculum
4 review, or other services.

5 4. To incur debt in reasonable anticipation of the receipt of funds.

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

8 6. To solicit and accept gifts or grants for school purposes.

9 7. To acquire real property for its use.

10 8. To sue and be sued in its own name.

11 **SECTION 44.** 118.40 (4) (e) of the statutes is created to read:

12 118.40 (4) (e) ~~Immunity from civil and criminal liability.~~ A school board or an
13 entity under sub. (2r) (b), and its officers and employees, are immune from civil and
14 criminal liability for any activities of a charter school with which the school board
15 or entity under sub. (2r) (b) contracts.

16 **SECTION 45.** 118.40 (4) (f) of the statutes is created to read:

17 118.40 (4) (f) ~~Local educational agency.~~ A charter school is a local educational
18 agency under 20 USC 6301 to 6578 and as such is eligible for funding as a local
19 educational agency, and shall comply with all requirements of local educational
20 agencies, under 20 USC 6301 to 6578.

21 **SECTION 46.** 118.40 (7) (am) 1. of the statutes is amended to read:

22 118.40 (7) (am) 1. Except as provided in ~~subds. subd. 2. and 3.~~, if a charter
23 school is established under sub. (2m) and located in the school district operating
24 under ch. 119, the school board of that school district shall determine whether or not
25 the charter school is an instrumentality of the school district. If the school board

16-20 →

SENATE BILL 22

1 determines that a charter school is an instrumentality of the school district, the
2 school board shall employ all personnel for the charter school. If the school board
3 determines that a charter school is not an instrumentality of the school district, the
4 school board may not employ any personnel for the charter school.

5 **SECTION 47.** 118.40 (7) (am) 3. of the statutes is repealed.

6 **SECTION 48.** 118.40 (7) (c) of the statutes is created to read:

7 118.40 (7) (c) For the purpose of eligibility for participation in the Wisconsin
8 Retirement System, a charter school is considered a public entity that is carrying out
9 a governmental purpose.

10 **SECTION 49.** 118.40 (8) (a) (intro.) of the statutes is amended to read:

11 118.40 (8) (a) *Location.* (intro.) For the purposes of sub. (7) (a), (am), and (ar),
12 a virtual charter school under contract with one or more school boards is considered
13 to be located in the following school district:

14 **SECTION 50.** 118.40 (8) (f) 1. of the statutes is amended to read:

15 118.40 (8) (f) 1. The members of the school board governing body of the entity
16 that contracted for the establishment of the virtual charter school and the
17 administrators of that school district entity.

18 **SECTION 51.** 118.40 (8) (g) 2. of the statutes is amended to read:

19 118.40 (8) (g) 2. Subject to subd. 2m., the third time in the same semester that
20 a pupil attending a virtual charter school fails to respond appropriately to a school
21 assignment or directive from instructional staff within 5 school days, the governing
22 body of the virtual charter school shall also notify the school board governing body
23 of the entity that contracted for the establishment of the virtual charter school, the
24 school board of the pupil's resident school district, and the department. The school
25 board governing body of the entity that contracted for the establishment of the

SENATE BILL 22**SECTION 51**

1 virtual charter school may transfer the pupil to his or her resident school district.
2 If the pupil is a resident of the school district that contracted for the establishment
3 of the virtual charter school, the school board may assign the pupil to another school
4 or program within that school district. If the ~~school board~~ governing body transfers
5 or the school board assigns a pupil, it shall notify the pupil's parent or guardian and
6 the department.

7 **SECTION 52.** 118.40 (8) (g) 3. of the statutes is amended to read:

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

13 **SECTION 53.** 118.40 (8) (h) of the statutes is repealed.

14 **SECTION 54.** 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ar).

15 **SECTION 55.** 118.51 (1) (ag) of the statutes is created to read:

16 118.51 **(1)** (ag) "Charter school" excludes a school under contract with an entity
17 under s. 118.40 (2r) (b).

18 **SECTION 56.** 118.51 (3) (a) 6. of the statutes is amended to read:

19 118.51 **(3)** (a) 6. If an application is accepted, on or before the first Friday
20 following the first Monday in June following receipt of a notice of acceptance, ~~or~~
21 ~~within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting~~
22 ~~list under s. 118.40 (8) (h) 5.,~~ the pupil's parent shall notify the nonresident school
23 board of the pupil's intent to attend school in that school district in the following
24 school year.

25 **SECTION 57.** 118.51 (3) (a) 7. of the statutes is repealed.

SENATE BILL 22

1 **SECTION 58.** 118.51 (3) (b) of the statutes is amended to read:

2 118.51 **(3)** (b) *Notice to resident school district.* Annually by June 30, each
3 nonresident school board that has accepted a pupil under this section for attendance
4 in the following school year shall report the name of the pupil to the pupil's resident
5 school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the~~
6 ~~nonresident school board shall report the name of the pupil to the pupil's resident~~
7 ~~school board within 10 days of receiving notice of the pupil's selection from the~~
8 ~~department.~~

9 **SECTION 59.** 119.60 (5) of the statutes is created to read:

10 119.60 **(5)** Annually by August 1 the common council shall report to the
11 department, the charter school authorizing board, and the legislature under s.
12 13.172 (2) all of the following:

13 (a) All instances in the previous school year in which a person expressed
14 interest in purchasing or leasing any city-owned property used for school purposes
15 to a city official or employee. If the property was not sold or leased, the report shall
16 indicate the reason.

17 (b) All sales of city-owned property used for school purposes that occurred in
18 the previous school year and all leases of such property that were entered into in the
19 previous school year.

20 **SECTION 60.** 121.02 (1) (a) 2. of the statutes is amended to read:

21 121.02 **(1)** (a) 2. ~~Subject~~ Except as provided in s. 118.40 (2r) (d) 1. and subject
22 to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in
23 the school district hold a license or permit to teach issued by the department. For
24 purposes of this subdivision, a virtual charter school under contract with one or more
25 school boards is located in the school district specified in s. 118.40 (8) (a) and a charter

19-19 →

SENATE BILL 22

SECTION 60

1 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified
2 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining
3 "instructional staff" for purposes of this subdivision.

4 SECTION 61. 121.08 (4) (a) 1. of the statutes is amended to read:

5 121.08 (4) (a) 1. ~~In the 2009-10 and 2010-11 school year, add~~ Add the amounts
6 paid under s. 118.40 (2r) in the current school year, ~~and in the 2011-12 school year~~
7 ~~and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the~~
8 ~~2010-11 school year.~~

9 SECTION 62. 230.08 (2) (dm) of the statutes is amended to read:

10 230.08 (2) (dm) Instructional staff employed by the board of regents of the
11 University of Wisconsin System who provide services for a charter school established
12 by contract under s. 118.40 (2r) (cm), 2009 stats.

13 SECTION 63. 230.08 (2) (wc) of the statutes is created to read:

14 230.08 (2) (wc) Professional staff members of the charter school authorizing
15 board authorized under s. 118.395 (2).

16 SECTION 64. 230.35 (1s) of the statutes is amended to read:

17 230.35 (1s) Annual leave of absence with pay for instructional staff employed
18 by the board of regents of the University of Wisconsin System who provide services
19 for a charter school established by contract under s. 118.40 (2r) (cm), 2009 stats.
20 shall be determined by the governing board of the charter school established by
21 contract under s. 118.40 (2r) (cm), 2009 stats., as approved by the chancellor of the
22 University of Wisconsin-Parkside and subject to the terms of any collective
23 bargaining agreement under subch. V of ch. 111 covering the instructional staff.

24 SECTION 65. Nonstatutory provisions.

20-3

as affected by 2011 Wisconsin Act 10

16

22

23

SENATE BILL 22

1 (1) Notwithstanding section 15.56 (1) of the statutes, as created by this act, of
 2 the initial members appointed to the charter school authorizing board under section
 3 15.56 (1) (a) of the statutes, as created by this act, ~~one~~² member^s shall be appointed
 4 for ~~a~~^o term^s expiring on May 1, 2013, ~~and one~~^o member^s shall be appointed for ~~a~~^o term^s
 5 expiring on May 1, 2015; of the initial members appointed under section 15.56 (1) (b)
 6 of the statutes, as created by this act, one member shall be appointed for a term
 7 expiring on May 1, 2013, and one member shall be appointed for a term expiring on
 8 May 1, 2014⁴; and of the initial members appointed under section 15.56 (1) (c) of the
 9 statutes, as created by this act, one member shall be appointed for a term expiring
 10 on May 1, 2013, and one member shall be appointed for a term expiring on May 1,
 11 2015. All other initial members appointed to the charter school authorizing board
 12 shall be appointed for terms expiring on May 1, 2014.

SECTION 66. Initial applicability.

14 (1) CHARTER SCHOOL CONTRACTS. The treatment of sections 118.40 (2m) (a), (2r)
 15 (b) 1. (intro.) and 2. and (e) 2., (3) (e) (f) and (g), (4) (ag) (d), ~~and (e)~~^{and}, and (7) (am) 3.
 16 of the statutes first applies to a contract for the establishment of a charter school that
 17 is entered into, renewed, or modified on the effective date of this subsection.

18 (2) SCHOOL LEASES. The treatment of section 118.40 (2r) (g) of the statutes first
 19 applies to a lease entered into, renewed, or modified on the effective date of this
 20 subsection.

(END)

d-note

2 A

¶ The substitute amendment eliminates the authority of the entities specified above to establish an independent charter school directly. Under the substitute amendment, a charter school may be established only by contract. In addition,

3AA

The substitute amendment provides that if a nonprofit corporation wishes to contract with the CSAB to operate a charter school, it must concurrently apply to the CSAB and the school board of the school district in which it wishes to locate the charter school. The school board has 90 days to enter into a contract with the nonprofit corporation. If the school board does not wish to contract with the corporation or fails to successfully negotiate a contract with the corporation, the application is referred to the CSAB, which may contract with the corporation.

3A:1

91 Current law prohibits a school board from converting all of the public schools in the school district to charter schools unless the school board provides alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a charter school. In addition, a school board may not grant a petition to establish a charter school that would result in the conversion of all the public schools in the school district to charter schools unless at least 50 percent of the teachers employed by the school district sign the petition.

91

This ~~bill~~ substitute amendment eliminates the conditions on

3A:2

converting all of a school district's
 converting all of a school district's
 public schools to charter schools and
 explicitly permits a school board to
 do so.
 do so.

9

Current law provides that no pupil
 may be required to attend a charter
 school without his or her approval, if the
 pupil is an adult, or the approval of his or
 her parents, if the pupil is a minor. This
 substitute amendment eliminates this
 provision.

3A:3

The substitute amendment requires that a charter school accept pupils at random if the capacity of the ~~school~~ school is insufficient to accept all applicants. A charter school must, however, give preference in enrollment to pupils who were enrolled in the school in the previous school year and to siblings of pupils who are enrolled in the school. In addition, the substitute amendment allows a charter school to give preference in enrollment to children of the charter school's founder's, governing board members, and full-time employees so long as the number of such children given preference constitutes no more than 10 percent of the school's enrollment.

3B:1)

(4) Under current law, pupils attending a charter school under contract with a school board are counted in the school district's enrollment for state aid purposes. This substitute amendment also counts in a school district's enrollment those resident pupils who are attending an independent charter school under contract with the CSAB or a CESA. However, the substitute amendment reduces the school district's state aid by the number of such pupils multiplied by the per pupil state aid amount that is paid to the independent charter schools.

~~Established by or under contract with~~

3B:2

(9) The substitute amendment provides that if the Board of Directors of the (MPS) the Milwaukee Public Schools of Milwaukee has ~~is~~ leased property owned by the city of Milwaukee to a charter school that is not an instrumentality of MPS and the lease was in effect on January 1, 2011, the city of Milwaukee is a party to the lease and may negotiate ^{with} with the charter school to modify the ^{terms of} terms of the lease.

4-4

9

(b) Two members appointed by the state superintendent of public instruction from a list of nominees submitted ^{jointly} by the Wisconsin Association of School Boards and the Wisconsin Association of School District Administrators.

6-12

Recommended Changes to 2011 SB-22 (Charter Schools)

April 27, 2011

SECTION 44. 118.40 (4) (e) of the statutes is created to read:

118.40 (4) (e) *Immunity from civil and criminal liability.* A school board or an entity under sub. (2r) (b), and its officers and employees, are immune from civil and criminal liability for any activities of a charter school with which the school board or entity under sub. (2r) (b) contracts: except as provided in s. 40.05 (2) (f) 9.

④ ^{#.} **SECTION 40. 40.05 (2) (f) 9 of the statutes is created to read:**

✓ If the participating employer was a charter school under contract with a school board or with an authorizing entity specified in s. 118.40 (2r) (b) 1, and there is no successor employer to assume any outstanding obligations under the terms of this paragraph, the outstanding obligation shall be the responsibility of the school board or authorizing entity that contracted for the establishment of the charter school. ✓

ⓑ

④ 40.05 (2) (f) 9.

Typed



**SENATE AMENDMENT ,
TO 2011 SENATE BILL 22**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 7, line 7: after "statutes" insert ", as affected by 2011 Wisconsin Act
3 10,"

4 **2.** Page 7, line 8: delete the material beginning with that line and ending with
5 page 8, line 9, and substitute:

6 "111.815 (1) In the furtherance of this subchapter, the state shall be considered
7 as a single employer and employment relations policies and practices throughout the
8 state service shall be as consistent as practicable. The office shall negotiate and
9 administer collective bargaining agreements. To coordinate the employer position
10 in the negotiation of agreements, the office shall maintain close liaison with the
11 legislature relative to the negotiation of agreements and the fiscal ramifications of
12 those agreements. Except with respect to the collective bargaining unit specified in
13 s. 111.825 (2) (f), the office is responsible for the employer functions of the executive

1 branch under this subchapter, and shall coordinate its collective bargaining
 2 activities with operating state agencies on matters of agency concern. The legislative
 3 branch shall act upon those portions of tentative agreements negotiated by the office
 4 that require legislative action. With respect to the collective bargaining unit
 5 specified in s. 111.825 (2) (f), the governing board of the charter school established
 6 by contract under s. 118.40 (2r) (cm), 2009 stats., is responsible for the employer
 7 functions under this subchapter.

8 **3.** Page 20, line 16: after "statutes" insert ", as affected by 2011 Wisconsin Act
 9 10,".

10 **4.** Page 20, line 22: delete the material beginning with "and" and ending with
 11 "staff" on line 23.

(END)



SENATE AMENDMENT,
TO 2011 SENATE BILL 22

LPS:
Thaw section numbers
make these autonumbers
not hard numbers

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 9, line 20: after that line insert:

9-20

3 ~~SECTION 19g.~~ ^{#1} 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2)
4 (b) and amended to read:

5 118.40 (2) (b) A school board may grant a petition that would result in the
6 conversion of all of the public schools in the school district to charter schools if all of
7 the following apply:

8 ~~SECTION 19r.~~ ^{#1} 118.40 (2) (b) 1. and 2. of the statutes are repealed.

9 **2.** Page 9, line 25: after that line insert:

9-25

10 ~~SECTION 20m.~~ ^{#1} 118.40 (2m) (b) of the statutes is amended to read:

11 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that
12 would result in the conversion of all of the public schools in the school district to
13 charter schools unless the school board complies with sub. (2) (b) 2. ^{oe}



10-19

State of Wisconsin
2011 - 2012 LEGISLATURE



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SENATE AMENDMENT ,
TO 2011 SENATE BILL 22

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 10, line 19: delete "~~System.~~" and substitute "System No governing
3 board member of a charter school established under this subsection ^{subd. 1.} may be a
4 member or employee of the governing board of the contracting entity under subd. 1."

5 **2.** Page 14, line 24: delete the material beginning with "No" and ending with
6 "entity." on page 15, line 1.

7 (END)

11-15

A

④ SEC. # CR. 118.40 (2r) (br)
 ④ 118.40 (2r) (br) 1. The charter school authorizing board

may establish a charter school only by

contracting ~~each~~ ^{established} charter school ~~established~~ under
 a contract with the charter school authorizing
 board ~~shall be organized~~ ^{with} a nonprofit

corporation.

④ 2. The charter school authorizing board may not contract for the establishment of a virtual charter school.

12-15:1

⑧ SEC. #. CR, 118.40 ^{2r} (2r) (h) (i)

⑨ 118.40 [ⓑ] _(2r) (h) 1. If a nonprofit corporation wishes to contract with the charter school authorizing board to operate a charter school, it shall submit an application concurrently to the charter school authorizing board and the school board of the school district in which the corporation wishes to locate the charter school.

⑩ 2. Within 90 days of receiving an application under subd. 1., the school board shall either enter into a contract with the nonprofit corporation to operate a charter school under sub. (2m) or refer the application to the charter school authorizing board.

12-15:2

①

3. Upon receipt of an referred application under subd. 2., the charter school authorizing board shall either enter into a contract with the nonprofit corporation to operate a charter school or deny the application. In making its determination, the charter school authorizing board shall consider the extent of the school board's support for ~~an application to~~ the charter school under

subd. 2.

①

SEC. # CR; 118.40(2r)(i)

①

118.40(2r)(i)

(i) The charter school authorizing board may have in effect ~~no more than the~~ ~~contracts for no more than~~ the following number of contracts with nonprofit corporations for the operation of charter schools in the following school years:

①

1. In the 2011-12 school year, 5.

①

2. In the 2012-13 school year, 10.

①

3. In the 2013-14 school year, 15.

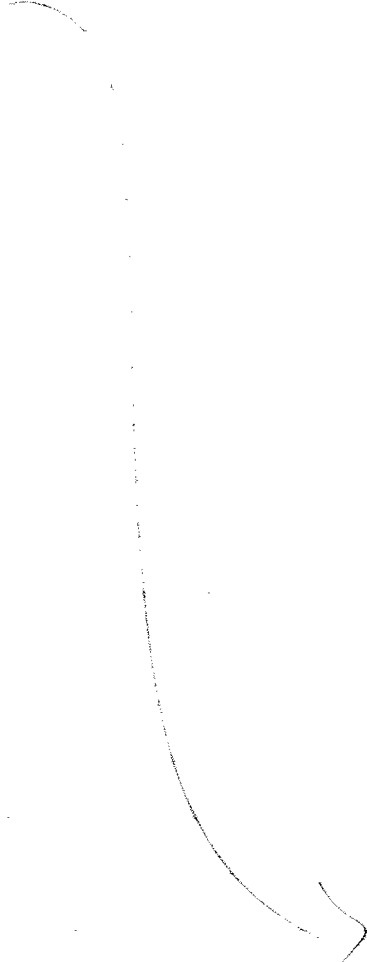
12-15:3

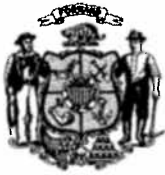
9

4. In the 2014-15 school year, 20.

9

5. In the 2015-16 school year, 25.





12-15:4

SENATE AMENDMENT ,
TO 2011 SENATE BILL 22

LPS:
Thaw Section Number
make this an autonumber
not a hard number

1 At the locations indicated, amend the bill as follows:

2 1. Page 12, line 15: after that line insert:

3 "SECTION 3^(j)m. 118.40 (2r) ^(j)~~is~~ of the statutes is created to read:
4 118.40 (2r) ^(j)~~is~~ A charter school established under this subsection is a local
5 educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as
6 a local educational agency, and shall comply with all requirements of local
7 educational agencies, under 20 USC 6301 to 6578."

8 2. Page 16, line 16: delete lines 16 to 20. ✓

9 (END)

12-15:5

1

Section # 118.51 (16) of the statutes

118.40 2t
CR. 118.40 (2t)

⑨ → SEC. #.

⑨ 118.40 (2t)

REDUCTION (LB)

118.51 (16) STATE AID ADJUSTMENTS. (a) Annually, the department shall determine ~~all of the fol~~

~~lowing~~

1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom tuition is paid under sub. (17).

NO 9

2. For each school district, the number of resident pupils attending ~~public~~ school in a nonresident school district under ~~this section~~ other than pupils for whom tuition is paid under ~~sub. (17)~~

a charter

of control of a cooperative educational service agency

3. The statewide average per pupil school district cost for regular instruction, cocurricular activities, instructional support services and pupil support services in the previous school year.

sub. (2r)

(b) 1. If the number determined in par. (a) 1. is greater than the number determined in par. (a) 2. for a school district, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by the amount determined under par. (a) 3.

9

2. If the number determined in par. (a) 1. is less than the number determined in par. (a) 2. for a school district, the department shall ~~decrease~~ that school district's state aid payment under s. 121.08 by an amount equal to the ~~difference~~ multiplied by the amount ~~determined~~ under ~~par. (a) 3~~. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall ~~decrease~~ other state aid payments made by the department to the school district by the remaining amount.

change to 12 pt font size

reduce each

number of pupils determined under par. (a)

paid per pupil

sub. (2r) (e) 1

reduce other state aid payments made by the department to the school district by the remaining amount.

change to 12 pt font size

If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

9

(c) If a pupil attends ~~public~~ school in a nonresident school district under ~~this section~~ for less than a full school term, the department shall prorate the state aid ~~adjustments~~ under ~~this subsection~~ based on the number of days that school is in session and the pupil attends ~~public~~ school in the nonresident school district.

as described

par. (a)

reduction

par. (b)

the charter

12-15:6

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9

(d) The department shall ensure that the aid ~~adjustment~~^{reduction} under par. (b) does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

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.



13-12

State of Wisconsin
2011 - 2012 LEGISLATURE



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SENATE AMENDMENT ,
TO 2011 SENATE BILL 22

1
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12

At the locations indicated, amend the bill as follows:

- 1. Page 13, line 9: after "(g)" insert "1."
- 2. Page 13, line 9: after "in" insert "subds. 2. and 3. and".
- 3. Page 13, line 12: after that line insert:

2. A charter school shall give preference in enrollment to pupils who were enrolled in the charter school in the previous school year and to siblings of pupils who are enrolled in the charter school.

3. A charter school may give preference in enrollment to the children of the charter school's founders, governing board members, and full-time employees ~~and~~ ^{but} the total number of such children given preference ^{may} constitute ~~no~~ no more than 10 percent of the charter school's total enrollment".

(END)

16-20

3. Page 16, line 20: after that line insert:

2 "SECTION 45~~m~~[#]. 118.40 (6) of the statutes is repealed."

X

3

(END)

LPS:
Thaw section number
Make this an autonumber
not a hard number



SENATE AMENDMENT ,
TO 2011 SENATE BILL 22

LPS: That Section
number

1 At the locations indicated, amend the bill as follows:

2 1. Page 19, line 19: after that line insert:

3 ~~SECTION 59m.~~ 119.60 (6) of the statutes is created to read:

4 119.60 (6) For any lease of city-owned property used for school purposes that
5 is in effect on January 1, 2011, between the board and a charter school that is not an
6 instrumentality of the school district under s. 118.40 (7), the common council shall
7 be made party to the lease and may negotiate with the charter school to modify the
8 terms of the lease if the common council adopts a resolution to do so.".

9 (END)

20-3

Section #. 121.05 (1) (a) 9. of the statutes is amended to read:

121.05 (1) (a) 9. Pupils enrolled in a charter school, ~~other than a charter school under s. 118.40~~
under contract with a school board or the charter school

History: 1971 c. 125; 1973 c. 89; 1975 c. 224; 1977 c. 29, 418; 1979 c. 34, 221, 244; 1981 c. 20, 251; 1983 a. 27, 192, 509; 1985 a. 29, 218; 1985 a. 225 s. 100; 1987 a. 27, 399; 1989 a. 336; 1991 a. 39; 1993 a. 16, 395; 1995 a. 27 ss. 4040x, 4042, 9145 (1); 1995 a. 225; 1997 a. 27, 113, 164; 1999 a. 9, 83, 117; 2001 a. 57, 109; 2003 a. 321; 2007 a. 200; 2009 a. 28, 302.

plain period

authorizing boards or the board of control of a cooperative educational service agency

~~cooperative educational service agency~~

21-5

2014, and 2 members shall be appointed
for terms ^{expiring} expiring on May 1, 2015 ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0549/1dn
PG:jld:rs
PG:gs
s0094/1dn

March 4 2011

- date -

Senator Darling ^{Olsen}

substitute

the inclusion of LRBa0549/1. That amendment is based on a request for

The drafting instructions for this amendment requested a provision which would allow the Milwaukee Common Council to "have full authority to negotiate" a lease entered into as of January 1, 2011, between a noninstrumentality charter school and the board of MPS. Because this provision would apply to an existing contract, ~~the provision could be subject to an attack~~ that it is an unconstitutional impairment of contract.

one could argue

The federal and Wisconsin constitutions both provide that the legislature may not pass a law "impairing the obligation of contracts" (article I, section 10, of the U.S. Constitution and article I, section 12, of the Wisconsin Constitution). However, this prohibition is not absolute. The courts have held that a state may impair an existing contract in the exercise of its police powers for the general public welfare. Wisconsin courts would likely use the following analysis to determine whether the legislature may impair an existing contract for the general public welfare:

- a. Does the legislation substantially impair an existing contract?
- b. If the impairment is substantial, is there a significant and legitimate public purpose for the legislation?
- c. Even if there is a significant and legitimate public purpose, is the legislation a reasonable and necessary means of achieving that public purpose?

One

A way to avoid a constitutional challenge would be to permit the common council to be a party to and negotiate the terms of any such lease between a noninstrumentality charter school and the board when the lease is extended, modified, or renewed. Please let me know if you would like me to modify the amendment in this way.

substitute

Peter R. Grant
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0094/1dn
PG:cjs:rs

May 5, 2011

Senator Olsen:

The drafting instructions for this substitute amendment requested the inclusion of LRBa0549/1. That amendment is based on a request for a provision which would allow the Milwaukee Common Council to "have full authority to negotiate" a lease entered into as of January 1, 2011, between a noninstrumentality charter school and the board of MPS. Because this provision would apply to an existing contract, one could argue that it is an unconstitutional impairment of contract.

The federal and Wisconsin constitutions both provide that the legislature may not pass a law "impairing the obligation of contracts" (article I, section 10, of the U.S. Constitution and article I, section 12, of the Wisconsin Constitution). However, this prohibition is not absolute. The courts have held that a state may impair an existing contract in the exercise of its police powers for the general public welfare. Wisconsin courts would likely use the following analysis to determine whether the legislature may impair an existing contract for the general public welfare:

- a. Does the legislation substantially impair an existing contract?
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One way to avoid a constitutional challenge would be to permit the common council to be a party to and negotiate the terms of any such lease between a noninstrumentality charter school and the board when the lease is extended, modified, or renewed. Please let me know if you would like me to modify the substitute amendment in this way.

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5/11/11

mtg w/ Sarah Archibald (Olsen's ofc.)
+ Anne Sappentich (Leg Council)

10 do DN last FF

12 allow only sch. hds + CSAB to establish
virtual ch. schools
see p. 8, l. 23

13 p. 13 l. 1-5 etc.
add timeline
CSAB
> by 7/1 to submit to sch. hds
> Oct 1
if bill not be a nonpart. apply
to CSAB, yet 30 ~~more~~ ^{more} days to enter
into ~~act~~ R
> 11/1 CSAB starts review
decide by 2/1

✓ ① P. 13 l 23 +
add that there's no limit after
2016-17

✓ ② 18.40 (6)
leave in, but add "except as provided
in the commercial language"
if can't force kid to attend a ch. sch
(unless convert all schools
to ch. schools)

③