



State of Wisconsin  
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO ASSEMBLY BILL 126**

October 21, 2013 – Offered by Representative KOOYENGA.

1     **AN ACT to repeal** 118.40 (2) (b) 1., 118.40 (2r) (b) 1. c., 118.40 (2r) (b) 3., 118.40  
2           (2r) (c) 1., 118.40 (2r) (c) 3., 118.40 (2r) (cm), 118.40 (7) (am) 1., 3. and 4., 118.40  
3           (7) (ar) and 118.40 (8) (a) (intro.); **to renumber** 118.40 (8) (a) 1. and 2.; **to**  
4           **renumber and amend** 118.40 (1), 118.40 (2r) (bm), 118.40 (2r) (c) 4., 118.40 (4)  
5           (a), 118.40 (7) (am) 2. and 118.51 (18); **to consolidate, renumber and amend**  
6           118.40 (2) (b) (intro.) and 2.; **to amend** 20.923 (6) (m), 40.02 (55) (intro.), 40.02  
7           (55) (a), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c), 115.001 (1),  
8           115.415 (3) (a) (intro.), 115.77 (8), 118.40 (title), 118.40 (1m) (a), 118.40 (1m) (b)  
9           1., 2., 7., 13. and 15., 118.40 (2) (title), 118.40 (2) (a), 118.40 (2m) (title), 118.40  
10          (2m) (a), 118.40 (2m) (am), 118.40 (2m) (b), 118.40 (2r) (title), 118.40 (2r) (b) 1.  
11          (intro.), 118.40 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2., 118.40 (2r) (b)  
12          2m., 118.40 (2r) (b) 4., 118.40 (2r) (d) (intro.), 118.40 (3) (c) 1., 118.40 (3) (c) 2.,  
13          118.40 (3) (e), 118.40 (4) (title), 118.40 (4) (b) (intro.), 118.40 (4) (c), 118.40 (6),

1 118.40 (7) (a), 119.60 (5), 121.02 (1) (a) 2., 230.08 (2) (dm), 230.35 (1s), 895.523  
2 (1) (a) and 895.525 (5); **to repeal and recreate** 20.923 (6) (m) and 111.815 (1);  
3 and **to create** 118.40 (1b), 118.40 (1p), 118.40 (2r) (b) 1. bn., 118.40 (2r) (b) 1.  
4 cm., 118.40 (2r) (bm) 3., 118.40 (2r) (bm) 5., 118.40 (3) (f), 118.40 (4) (ag), 118.40  
5 (4) (d) and 118.40 (7) (c) of the statutes; **relating to:** authorizing independent  
6 charter schools, replicating charter schools, eliminating noninstrumentality  
7 charter schools, magnet schools, and utilizing an alternative process for  
8 educator effectiveness.

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

9 **SECTION 1.** 20.923 (6) (m) of the statutes is amended to read:

10 20.923 (6) (m) University of Wisconsin System: deans, principals, professors,  
11 instructors, research assistants, librarians and other teachers, as defined in s. 40.02  
12 (55), the staff of the environmental education board, and instructional staff  
13 employed by the board of regents of the University of Wisconsin System who provide  
14 services for a charter school established by contract under s. 118.40 (2r) (cm), 2011  
15 stats.

16 **SECTION 2.** 20.923 (6) (m) of the statutes, as affected by 2011 Wisconsin Act 32  
17 and 2013 Wisconsin Act .... (this act), is repealed and recreated to read:

18 20.923 (6) (m) University of Wisconsin System: all positions, including the  
19 chancellor of the University of Wisconsin–Madison, but not including any other  
20 position assigned to the University of Wisconsin–Madison.

21 **SECTION 3.** 40.02 (55) (intro.) of the statutes is amended to read:

22 40.02 (55) (intro.) “Teacher” means any employee engaged in the exercise of any  
23 educational function for compensation in the public schools, ~~including charter~~

1 ~~schools as defined in s. 115.001 (1) that are instrumentalities of a school district, or~~  
2 ~~the university in instructing or controlling pupils or students, or in administering,~~  
3 ~~directing, organizing or supervising any educational activity, but does not include~~  
4 ~~any employee determined to be an auxiliary instructional employee under s. 115.29~~  
5 (3). “Teacher” includes the following:

6 **SECTION 4.** 40.02 (55) (a) of the statutes is amended to read:

7 40.02 (55) (a) Any person employed as a librarian by any school board in a  
8 library in any school under its jurisdiction, ~~including a charter school as defined in~~  
9 ~~s. 115.001 (1) that is an instrumentality of a school district,~~ whose qualifications as  
10 a librarian are at least equal to the minimum librarian qualifications prescribed by  
11 the state superintendent of public instruction.

12 **SECTION 5.** 111.81 (7) (f) of the statutes is amended to read:

13 111.81 (7) (f) Instructional staff employed by the board of regents of the  
14 University of Wisconsin System who provide services for a charter school established  
15 by contract under s. 118.40 (2r) (cm), 2011 stats.

16 **SECTION 6.** 111.815 (1) of the statutes is amended to read:

17 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
18 as a single employer and employment relations policies and practices throughout the  
19 state service shall be as consistent as practicable. The office shall negotiate and  
20 administer collective bargaining agreements. To coordinate the employer position  
21 in the negotiation of agreements, the office shall maintain close liaison with the  
22 legislature relative to the negotiation of agreements and the fiscal ramifications of  
23 those agreements. Except with respect to the collective bargaining unit specified in  
24 s. 111.825 (2) (f), the office is responsible for the employer functions of the executive  
25 branch under this subchapter, and shall coordinate its collective bargaining

1 activities with operating state agencies on matters of agency concern. The legislative  
2 branch shall act upon those portions of tentative agreements negotiated by the office  
3 that require legislative action. With respect to the collective bargaining unit  
4 specified in s. 111.825 (2) (f), the governing board of the charter school established  
5 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
6 functions under this subchapter.

7 **SECTION 7.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and  
8 2013 Wisconsin Act .... (this act), is repealed and recreated to read:

9 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
10 as a single employer and employment relations policies and practices throughout the  
11 state service shall be as consistent as practicable. The office shall negotiate and  
12 administer collective bargaining agreements. To coordinate the employer position  
13 in the negotiation of agreements, the office shall maintain close liaison with the  
14 legislature relative to the negotiation of agreements and the fiscal ramifications of  
15 those agreements. Except with respect to the collective bargaining unit specified in  
16 s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the  
17 executive branch under this subchapter, and shall coordinate its collective  
18 bargaining activities with operating state agencies on matters of agency concern.  
19 The legislative branch shall act upon those portions of tentative agreements  
20 negotiated by the office that require legislative action. With respect to the collective  
21 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University  
22 of Wisconsin System is responsible for the employer functions under this subchapter.  
23 With respect to the collective bargaining units specified in s. 111.825 (1t), the  
24 chancellor of the University of Wisconsin-Madison is responsible for the employer  
25 functions under this subchapter. With respect to the collective bargaining unit

1 specified in s. 111.825 (1r) (ef), the governing board of the charter school established  
2 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
3 functions under this subchapter.

4 **SECTION 8.** 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), 2011 stats.

8 **SECTION 9.** 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), 2011 stats.,  
11 acting for the state, and any labor organization representing a collective bargaining  
12 unit specified in s. 111.825 (1r) (ef) 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 10.** 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 (2) or (2m) or with ~~one of the entities~~ an entity  
18 ~~under s. 118.40 (2r) (b), or a school established and operated by one of the entities~~  
19 ~~under s. 118.40 (2r) (b).~~

20 **SECTION 11.** 115.415 (3) (a) (intro.) of the statutes is amended to read:

21 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency  
22 process aligned with the evaluation system established under sub. (2) for a school  
23 district, a charter school under contract with a school board that is not an  
24 instrumentality of the school district, or a charter school established under s. 118.40  
25 (2r) seeking to utilize an alternative process for the evaluation of teacher and

1 principal practice. The process under this subsection shall be based on the criteria  
2 established in the 2011 Interstate Teacher Assessment and Support Consortium and  
3 the 2008 Interstate School Leaders Licensure Consortium Educational Leadership  
4 Policy Standards, and a school district, a charter school under contract with a school  
5 board that is not an instrumentality of the school district, or charter school  
6 established under s. 118.40 (2r) that uses the process under this subsection shall  
7 evaluate the performance of teachers in the following domains:

8 **SECTION 12.** 115.77 (8) of the statutes is amended to read:

9 115.77 (8) The local educational agency shall serve children with disabilities  
10 who are attending a charter or magnet school under contract with the local  
11 educational agency under s. 118.40 in the same manner as it serves children with  
12 disabilities attending schools of the local educational agency, and shall provide funds  
13 under this subchapter to such ~~charter~~ schools on the same basis as it provides funds  
14 under this subchapter to schools of the local educational agency, including  
15 proportional distribution based on enrollment of children with disabilities, and at  
16 the same time as it distributes other federal funds to the agency's other schools.

17 **SECTION 13.** 118.40 (title) of the statutes is amended to read:

18 **118.40 (title) Charter schools and magnet schools.**

19 **SECTION 14.** 118.40 (1) of the statutes is renumbered 118.40 (1d) and amended  
20 to read:

21 118.40 (1d) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends  
22 to establish a charter school or a magnet school, it shall notify the state  
23 superintendent of its intention. Whenever one of the entities under sub. (2r) (b)  
24 intends to establish a charter school, it shall notify the state superintendent of its

1 intention by February 1 of the previous school year. A notice under this subsection  
2 shall include a description of the proposed school.

3 **SECTION 15.** 118.40 (1b) of the statutes is created to read:

4 118.40 (1b) DEFINITION. In this section, “magnet school” has the meaning given  
5 in 20 USC 7231a.

6 **SECTION 16.** 118.40 (1m) (a) of the statutes is amended to read:

7 118.40 (1m) (a) A written petition requesting the school board to establish a  
8 charter school or magnet school under this section may be filed with the school  
9 district clerk. The petition shall be signed by at least 10% of the teachers employed  
10 by the school district or by at least 50% of the teachers employed at one school of the  
11 school district.

12 **SECTION 17.** 118.40 (1m) (b) 1., 2., 7., 13. and 15. of the statutes are amended  
13 to read:

14 118.40 (1m) (b) 1. The name of the person who is seeking to establish the  
15 charter school.

16 2. ~~The name of the person who~~ If the proposed school is a charter school,  
17 information about the governing board that will be in charge of the charter school,  
18 including the names of the members of the governing board, if known, and how  
19 members of the governing board are appointed, and the manner in which  
20 administrative services will be provided.

21 7. Subject to ~~sub. (7) (a) and (am)~~ and ss. 118.19 (1) and 121.02 (1) (a) 2., the  
22 qualifications that must be met by the individuals to be employed in the school.

23 13. The public school alternatives for pupils who reside in the school district  
24 and do not wish to attend or are not admitted to the ~~charter~~ school.

1           15. The effect of the establishment of the ~~charter~~ school on the liability of the  
2 school district.

3           **SECTION 18.** 118.40 (1p) of the statutes is created to read:

4           118.40 **(1p)** MAGNET SCHOOLS; PETITION OR SCHOOL BOARD INITIATIVE. (a) 1. Within  
5 30 days after receiving a petition under sub. (1m), a school board shall hold a public  
6 hearing on the petition. At the hearing, the school board shall consider the level of  
7 employee and parental support for the establishment of the magnet school described  
8 in the petition and the fiscal impact of the establishment of the magnet school on the  
9 school district. After the hearing, the school board may grant the petition. The school  
10 board of the school district operating under ch. 119 shall either grant or deny the  
11 petition within 30 days after the public hearing. If the school board of the school  
12 district operating under ch. 119 denies a petition, the person seeking to establish the  
13 magnet school may, within 30 days after the denial, appeal the denial to the  
14 department. The department shall issue a decision within 30 days after receiving  
15 the appeal. The department's decision is final and not subject to judicial review  
16 under ch. 227.

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

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

1           2. At least 30 days before entering in a contract under this paragraph that  
2 would convert a private school to a magnet school, the school board shall hold a public  
3 hearing on the contract. At the hearing, the school board shall consider the level of  
4 employee and parental support for the establishment of the magnet school and the  
5 fiscal impact of the establishment of the magnet school on the school district.

6           (c) A school board may not enter into a contract under this subsection that  
7 would result in the conversion of all of the public schools in the school district to  
8 magnet schools unless the school board provides alternative public school  
9 attendance arrangements for pupils who do not wish to attend or are not admitted  
10 to a magnet school.

11           (d) A contract under this subsection may be for any term not exceeding 5 school  
12 years and may be renewed for one or more terms not exceeding 5 school years.

13           (e) A school board that enters into a contract to establish a magnet school under  
14 this subsection shall employ all personnel for the magnet school.

15           **SECTION 19.** 118.40 (2) (title) of the statutes is amended to read:

16           118.40 (2) (title) ~~PUBLIC~~ CHARTER SCHOOL; PUBLIC HEARING; AND GRANTING OF  
17 PETITION.

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

19           118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the  
20 school board shall hold a public hearing on the petition. At the hearing, the school  
21 board shall consider the level of ~~employee and~~ parental support for the establishment  
22 of the charter school described in the petition ~~and the fiscal impact of the~~  
23 ~~establishment of the charter school on the school district.~~ After the hearing, the  
24 school board may grant the petition.

1           **SECTION 21.** 118.40 (2) (b) (intro.) and 2. of the statutes are consolidated,  
2           renumbered 118.40 (2) (b) and amended to read:

3           118.40 **(2)** (b) A school board may grant a petition that would result in the  
4           conversion of all of the public schools in the school district to charter schools if all of  
5           the following apply: ~~2. The~~ the school board provides alternative public school  
6           attendance arrangements for pupils who do not wish to attend or are not admitted  
7           to a charter school.

8           **SECTION 22.** 118.40 (2) (b) 1. of the statutes is repealed.

9           **SECTION 23.** 118.40 (2m) (title) of the statutes is amended to read:

10          118.40 **(2m)** (title) ~~SCHOOL~~ CHARTER SCHOOLS; SCHOOL BOARD INITIATIVE.

11          **SECTION 24.** 118.40 (2m) (a) of the statutes is amended to read:

12          118.40 **(2m)** (a) A school board may on its own initiative contract with a person  
13          to operate a school as a charter school. The contract shall include all of the provisions  
14          specified under sub. (1m) (b), the name of the person who will employ the personnel  
15          of the charter school, and may include other provisions agreed to by the parties.

16          **SECTION 25.** 118.40 (2m) (am) of the statutes is amended to read:

17          118.40 **(2m)** (am) At least 30 days before entering in a contract under this  
18          subsection ~~that would convert a private school to a charter school or that would to~~ to  
19          establish a charter school ~~that is not an instrumentality of the school district, the~~  
20          school board shall hold a public hearing on the contract. At the hearing, the school  
21          board shall consider the level of ~~employee and~~ parental support for the establishment  
22          of the charter school ~~and the fiscal impact of the establishment of the charter school~~  
23          on the school district.

24          **SECTION 26.** 118.40 (2m) (b) of the statutes is amended to read:

1           118.40 **(2m)** (b) A school board may not enter into a contract under par. (a) that  
2 would result in the conversion of all of the public schools in the school district to  
3 charter schools unless the school board complies with sub. (2) (b) 2. if the school board  
4 provides alternative public school attendance arrangements for pupils who do not  
5 wish to attend or are not admitted to a charter school.

6           **SECTION 27.** 118.40 (2r) (title) of the statutes is amended to read:

7           118.40 **(2r)** (title) ~~OTHER~~ CHARTER SCHOOLS; OTHER INITIATIVES.

8           **SECTION 28.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

9           118.40 **(2r)** (b) 1. (intro.) ~~All~~ Any of the following entities may establish by  
10 ~~charter and operate a charter school or, on behalf of their respective entities, may~~  
11 ~~initiate a contract with an individual or group~~ a person to operate a school as a  
12 charter school:

13           **SECTION 29.** 118.40 (2r) (b) 1. b. of the statutes is amended to read:

14           118.40 **(2r)** (b) 1. b. The chancellor of ~~the~~ an institution within the University  
15 of Wisconsin-Milwaukee Wisconsin System except for the chancellor of the  
16 University of Wisconsin Colleges.

17           **SECTION 30.** 118.40 (2r) (b) 1. bn. of the statutes is created to read:

18           118.40 **(2r)** (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college  
19 campus within the University of Wisconsin System.

20           **SECTION 31.** 118.40 (2r) (b) 1. c. of the statutes is repealed.

21           **SECTION 32.** 118.40 (2r) (b) 1. cm. of the statutes is created to read:

22           118.40 **(2r)** (b) 1. cm. The board of control of a cooperative educational service  
23 agency.

24           **SECTION 33.** 118.40 (2r) (b) 1. d. of the statutes is amended to read:

25           118.40 **(2r)** (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

1           **SECTION 34.** 118.40 (2r) (b) 2. of the statutes is amended to read:

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

11           **SECTION 35.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

12           118.40 **(2r)** (b) 2m. a. ~~A charter or contract may include grounds for expelling~~  
13 ~~a pupil from the charter school.~~

14           b. ~~If the charter or contract includes grounds for expelling a pupil from the~~  
15 ~~charter school as permitted under subd. 2m. a., the charter or contract shall include~~  
16 ~~the procedures to be followed by the charter school prior to expelling a pupil.~~

17           **SECTION 36.** 118.40 (2r) (b) 3. of the statutes is repealed.

18           **SECTION 37.** 118.40 (2r) (b) 4. of the statutes is amended to read:

19           118.40 **(2r)** (b) 4. ~~No chartering or contracting entity under subd. 1. may~~  
20 ~~establish or enter into a contract for the establishment of a virtual charter school.~~

21           **SECTION 38.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act  
22 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

23           118.40 **(2r)** (bm) 1. ~~The common council of the city of Milwaukee and the~~  
24 ~~Milwaukee area technical college district board may establish or enter into a contract~~

1 for the establishment of a charter school located only in the school district operating  
2 under ch. 119.

3 2. The chancellor of an institution within the University of  
4 ~~Wisconsin-Milwaukee~~ Wisconsin System may establish or enter into a contract for  
5 the establishment of a charter school located only in ~~Milwaukee County~~ the county  
6 in which the institution is located or in an adjacent county. ~~The chancellor of the~~  
7 ~~University of Wisconsin-Parkside~~

8 4. ~~A technical college district board~~ may only establish or enter into a contract  
9 for the establishment of a charter school located in a unified school district that is  
10 located only in the county in which the University of Wisconsin-Parkside is situated  
11 technical college district or in an a county adjacent county to the district.

12 **SECTION 39.** 118.40 (2r) (bm) 3. of the statutes is created to read:

13 118.40 (2r) (bm) 3. The dean of a college campus within the University of  
14 Wisconsin System may contract for the establishment of a charter school that is  
15 located only in the county in which the college campus is located or in an adjacent  
16 county.

17 **SECTION 40.** 118.40 (2r) (bm) 5. of the statutes is created to read:

18 118.40 (2r) (bm) 5. The board of control of a cooperative educational service  
19 agency may contract for the establishment of a charter school that is located only  
20 within the boundaries of the agency.

21 **SECTION 41.** 118.40 (2r) (c) 1. of the statutes, as affected by 2013 Wisconsin Act  
22 20, is repealed.

23 **SECTION 42.** 118.40 (2r) (c) 3. of the statutes is repealed.

24 **SECTION 43.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act  
25 20, is renumbered 118.40 (2r) (c) and amended to read:

1           118.40 (2r) (c) A pupil who resides in Milwaukee County or in an adjacent  
2 county may attend any charter school established under this subsection in  
3 Milwaukee County or in an adjacent county.

4           **SECTION 44.** 118.40 (2r) (cm) of the statutes is repealed.

5           **SECTION 45.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

6           118.40 (2r) (d) (intro.) The chartering or contracting entity under par. (b) shall  
7 do all of the following:

8           **SECTION 46.** 118.40 (3) (c) 1. of the statutes is amended to read:

9           118.40 (3) (c) 1. A school board may not enter into a contract for the  
10 establishment of a charter school or magnet school located outside the school district,  
11 except as follows:

12           a. If 2 or more school boards enter into an agreement under s. 66.0301 to  
13 establish a charter school or magnet school, the charter school shall be located within  
14 one of the school districts.

15           b. If one or more school boards enter into an agreement with the board of control  
16 of a cooperative educational service agency to establish a charter school or magnet  
17 school, the charter school shall be located within the boundaries of the cooperative  
18 educational service agency.

19           c. If a school board enters into an agreement with a federally recognized  
20 American Indian tribe or band in this state to establish a charter school or magnet  
21 school, the charter school shall be located within the school district or within the  
22 boundaries of the tribe's or band's reservation.

23           **SECTION 47.** 118.40 (3) (c) 2. of the statutes is amended to read:

24           118.40 (3) (c) 2. A school board may not enter into a contract that would result  
25 in the conversion of a private, sectarian school to a charter school or a magnet school.

1           **SECTION 48.** 118.40 (3) (e) of the statutes is amended to read:

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

6           **SECTION 49.** 118.40 (3) (f) of the statutes is created to read:

7           118.40 (3) (f) 1. In this paragraph, a person has a proven track record of success  
8 if, during the 2 immediately preceding school years, a person operated a charter  
9 school in which the percentage of pupils attending the charter school who received  
10 a score of advanced or proficient on the state assessments for math and reading  
11 under ss. 118.30 and 121.02 (1) (r) in all tested grades is at least 10 percentage points  
12 greater than the percentage of pupils attending public schools in the school district  
13 where the charter school is located who received the same scores on the same  
14 assessments in the same grades.

15           2. Subject to subds. 4. and 5., a school board or entity under sub. (2r) (b) that  
16 has contracted with a person to operate a charter school shall, upon receiving a letter  
17 of intent under subd. 3. from the person, amend the existing contract or enter into  
18 a new contract with the person to authorize the person to operate one or more  
19 additional charter schools if the person has a proven track record of success operating  
20 a charter school under a contract with the school board or entity.

21           3. To operate an additional charter school under subd. 2., a person must submit  
22 to a school board or entity under sub. (2r) (b) a letter of intent that includes all of the  
23 following:

- 24           a. The date on which instruction will begin at each additional charter school.  
25           b. The general location of each additional charter school.

1 c. A description of any potential facility that may be used by each additional  
2 charter school, including the approximate number of pupils that each facility may  
3 safely accommodate.

4 d. Evidence demonstrating that the person has a proven track record of success.

5 4. A school board or entity under sub. (2r) (b) shall authorize a person to operate  
6 no more than 2 additional charter schools per school year under this paragraph,  
7 unless the parties agree to more than 2.

8 5. A school board of a school district containing at least 80 percent of the public  
9 schools in the state that received the highest level of performance on the most recent  
10 school accountability report under s. 115.385 may refuse to amend an existing  
11 contract or enter into a new contract to authorize one or more additional charter  
12 schools under this paragraph if the school board notifies the person who submitted  
13 the letter of intent under subd. 3. of the refusal no later than 30 days after the letter  
14 of intent is submitted to the school board.

15 6. An additional charter school authorized under this paragraph is not a  
16 satellite or subsidiary campus of the charter school for which the operator  
17 demonstrated a proven track record of success under subd. 2. and is considered an  
18 individual school for funding purposes.

19 **SECTION 50.** 118.40 (4) (title) of the statutes is amended to read:

20 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND  
21 RESTRICTIONS.

22 **SECTION 51.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and  
23 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

24 118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of  
25 the following:

1           **SECTION 52.** 118.40 (4) (ag) of the statutes is created to read:

2           118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a  
3 governing board that is a party to the contract with the authorizing entity.

4           **SECTION 53.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

5           118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not  
6 do any of the following:

7           **SECTION 54.** 118.40 (4) (c) of the statutes is amended to read:

8           118.40 (4) (c) *Single-sex schools and courses.* A school board may enter into a  
9 contract for, and an entity under sub. (2r) may ~~establish or enter into a~~ contract for,  
10 the establishment of a charter school that enrolls only one sex or that provides one  
11 or more courses that enroll only one sex if the school board or entity under sub. (2r)  
12 makes available to the opposite sex, under the same policies and criteria of  
13 admission, schools or courses that are comparable to each such school or course.

14           **SECTION 55.** 118.40 (4) (d) of the statutes is created to read:

15           118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school  
16 governing board has all the powers necessary to carry out the terms of its contract,  
17 including the following:

- 18           1. To receive and disburse funds for school purposes.
- 19           2. To incur debt.
- 20           3. To enter into contracts and leases.
- 21           4. To pledge, assign, or encumber its assets to be used as collateral for loans or  
22 extensions of credit.
- 23           5. To acquire real property for its use.
- 24           6. To sue and be sued in its own name.

25           **SECTION 56.** 118.40 (6) of the statutes is amended to read:

1           118.40 (6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter  
2 school or a magnet school without his or her approval, if the pupil is an adult, or the  
3 approval of his or her parents or legal guardian, if the pupil is a minor.

4           **SECTION 57.** 118.40 (7) (a) of the statutes is amended to read:

5           118.40 (7) (a) ~~Except as provided in par. (am), the school board of the school~~  
6 ~~district in which a charter school is located shall determine whether or not the A~~  
7 ~~charter school established under sub. (2) or (2m) is not an instrumentality of the~~  
8 ~~school district. If the school board determines that the charter school is an~~  
9 ~~instrumentality of the school district, the school board shall employ all personnel for~~  
10 ~~the charter school. If the school board determines that the charter school is not an~~  
11 ~~instrumentality of the school district, and the school board may not employ any~~  
12 ~~personnel for the charter school.~~

13           **SECTION 58.** 118.40 (7) (am) 1., 3. and 4. of the statutes are repealed.

14           **SECTION 59.** 118.40 (7) (am) 2. of the statutes is renumbered 118.40 (7) (am) and  
15 amended to read:

16           118.40 (7) (am) A charter school established under sub. (2r) ~~or a private school~~  
17 ~~located in the school district operating under ch. 119 that is converted to a charter~~  
18 ~~school is not an instrumentality of any school district and no school board may~~  
19 ~~employ any personnel for the charter school. If the chancellor of the an institution~~  
20 ~~or the dean of a college campus within the University of Wisconsin-Parkside~~  
21 ~~Wisconsin System contracts for the establishment of a charter school under sub. (2r),~~  
22 ~~the board of regents of the University of Wisconsin System may employ instructional~~  
23 ~~staff for the charter school. If a technical college district board contracts for the~~  
24 ~~establishment of a charter school under sub. (2r), the technical college district board~~  
25 ~~may employ instructional staff for the charter school. If the board of control of a~~

1 cooperative educational service agency contracts for the establishment of a charter  
2 school under sub. (2r), the board of control may employ instructional staff for the  
3 charter school.

4 **SECTION 60.** 118.40 (7) (ar) of the statutes, as affected by 2013 Wisconsin Act  
5 20, is repealed.

6 **SECTION 61.** 118.40 (7) (c) of the statutes is created to read:

7 118.40 (7) (c) Chapters 115 to 121, other than this section, do not apply to  
8 magnet schools unless one of the following applies:

9 1. The provision explicitly applies to magnet schools.

10 2. The provision explicitly applies to charter schools unless the provision  
11 applies only to a charter school under sub. (2r).

12 **SECTION 62.** 118.40 (8) (a) (intro.) of the statutes is repealed.

13 **SECTION 63.** 118.40 (8) (a) 1. and 2. of the statutes are renumbered 118.51 (18)  
14 (a) and (b).

15 **SECTION 64.** 118.51 (18) of the statutes is renumbered 118.51 (18) (intro.) and  
16 amended to read:

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

20 **SECTION 65.** 119.60 (5) of the statutes is amended to read:

21 119.60 (5) For any lease of city-owned property used for school purposes in  
22 effect on January 1, 2011, between the board and a charter school that is not an  
23 instrumentality of the school district ~~under s. 118.40 (7)~~, the common council shall  
24 be made party to the lease and may negotiate with the charter school to modify the  
25 terms of the lease when the lease is modified, extended, or renewed if the common

1 council adopts a resolution to do so. If a lease is modified, extended, or renewed as  
2 provided in this subsection, the net proceeds of that lease shall be deposited in the  
3 school operations fund under s. 119.46.

4 **SECTION 66.** 121.02 (1) (a) 2. of the statutes, as affected by 2013 Wisconsin Act  
5 20, is amended to read:

6 121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional  
7 staff of charter schools located in the school district hold a license or permit to teach  
8 issued by the department. For purposes of this subdivision, a virtual charter school  
9 is located in the school district specified in s. ~~118.40 (8) (a)~~ 118.51 (18) and a charter  
10 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified  
11 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining  
12 “instructional staff” for purposes of this subdivision.

13 **SECTION 67.** 230.08 (2) (dm) of the statutes is amended to read:

14 230.08 (2) (dm) Instructional staff employed by the board of regents of the  
15 University of Wisconsin System who provide services for a charter school established  
16 by contract under s. 118.40 (2r) (cm), 2011 stats.

17 **SECTION 68.** 230.35 (1s) of the statutes is amended to read:

18 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
19 by the board of regents of the University of Wisconsin System who provide services  
20 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
21 shall be determined by the governing board of the charter school established by  
22 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the  
23 University of Wisconsin–Parkside.

24 **SECTION 69.** 895.523 (1) (a) of the statutes is amended to read:

