



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 76**

October 1, 2013 – Offered by Senators DARLING and OLSEN.

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. and 118.40 (2r) (cm); *to renumber and amend*
3 118.40 (2r) (bm) and 118.40 (2r) (c) 4.; *to consolidate, renumber and amend*
4 118.40 (2) (b) (intro.) and 2.; *to amend* 20.923 (6) (m), 111.81 (7) (f), 111.815 (1),
5 111.825 (2) (f), 111.92 (1) (c), 115.415 (3) (a) (intro.), 118.40 (2) (a), 118.40 (2m)
6 (am), 118.40 (2m) (b), 118.40 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2.,
7 118.40 (7) (am) 2., 230.08 (2) (dm) and 230.35 (1s); *to repeal and recreate*
8 20.923 (6) (m) and 111.815 (1); and *to create* 118.40 (2r) (b) 1. bn., 118.40 (2r)
9 (b) 1. cm., 118.40 (2r) (bm) 3., 118.40 (2r) (bm) 5. and 118.40 (3) (f) of the statutes;
10 **relating to:** authorizing independent charter schools, replicating charter
11 schools, and utilizing an alternative process for educator effectiveness.

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

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

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

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9 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

10 20.923 **(6)** (m) University of Wisconsin System: all positions, including the
11 chancellor of the University of Wisconsin-Madison, but not including any other
12 position assigned to the University of Wisconsin-Madison.

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

14 111.81 **(7)** (f) 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 4.** 111.815 (1) of the statutes is amended to read:

18 111.815 **(1)** In the furtherance of this subchapter, the state shall be considered
19 as a single employer and employment relations policies and practices throughout the
20 state service shall be as consistent as practicable. The office shall negotiate and
21 administer collective bargaining agreements. To coordinate the employer position
22 in the negotiation of agreements, the office shall maintain close liaison with the
23 legislature relative to the negotiation of agreements and the fiscal ramifications of
24 those agreements. Except with respect to the collective bargaining unit specified in
25 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), 2011 stats., is responsible for the employer
7 functions under this subchapter.

8 **SECTION 5.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and
9 2013 Wisconsin Act (this act), is repealed and recreated to read:

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

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

5 **SECTION 6.** 111.825 (2) (f) of the statutes is amended to read:

6 111.825 (2) (f) Instructional staff employed by the board of regents of the
7 University of Wisconsin System who provide services for a charter school established
8 by contract under s. 118.40 (2r) (cm), 2011 stats.

9 **SECTION 7.** 111.92 (1) (c) of the statutes is amended to read:

10 111.92 (1) (c) Any tentative agreement reached between the governing board
11 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
12 acting for the state, and any labor organization representing a collective bargaining
13 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
14 organization and approval by the chancellor of the University of
15 Wisconsin-Parkside, be executed by the parties.

16 **SECTION 8.** 115.415 (3) (a) (intro.) of the statutes is amended to read:

17 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency
18 process aligned with the evaluation system established under sub. (2) for a school
19 district, a charter school under contract with a school board that is not an
20 instrumentality of the school district, or a charter school established under s. 118.40
21 (2r) seeking to utilize an alternative process for the evaluation of teacher and
22 principal practice. The process under this subsection shall be based on the criteria
23 established in the 2011 Interstate Teacher Assessment and Support Consortium and
24 the 2008 Interstate School Leaders Licensure Consortium Educational Leadership
25 Policy Standards, and a school district, a charter school under contract with a school

1 board that is not an instrumentality of the school district, or charter school
2 established under s. 118.40 (2r) that uses the process under this subsection shall
3 evaluate the performance of teachers in the following domains:

4 **SECTION 9.** 118.40 (2) (a) of the statutes is amended to read:

5 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the
6 school board shall hold a public hearing on the petition. At the hearing, the school
7 board shall consider the level of ~~employee and~~ parental support for the establishment
8 of the charter school described in the petition ~~and the fiscal impact of the~~
9 ~~establishment of the charter school on the school district.~~ After the hearing, the
10 school board may grant the petition.

11 **SECTION 10.** 118.40 (2) (b) (intro.) and 2. of the statutes are consolidated,
12 renumbered 118.40 (2) (b) and amended to read:

13 118.40 (2) (b) A school board may grant a petition that would result in the
14 conversion of all of the public schools in the school district to charter schools if ~~all of~~
15 ~~the following apply:~~ ~~2.~~ The school board provides alternative public school
16 attendance arrangements for pupils who do not wish to attend or are not admitted
17 to a charter school.

18 **SECTION 11.** 118.40 (2) (b) 1. of the statutes is repealed.

19 **SECTION 12.** 118.40 (2m) (am) of the statutes is amended to read:

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

1 of the charter school and the fiscal impact of the establishment of the charter school
2 on the school district.

3 **SECTION 13.** 118.40 (2m) (b) of the statutes is amended to read:

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

9 **SECTION 14.** 118.40 (2r) (b) 1. b. of the statutes is amended to read:

10 118.40 (2r) (b) 1. b. The chancellor of the an institution within the University
11 of Wisconsin-Milwaukee Wisconsin System except for the chancellor of the
12 University of Wisconsin Colleges.

13 **SECTION 15.** 118.40 (2r) (b) 1. bn. of the statutes is created to read:

14 118.40 (2r) (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college
15 campus within the University of Wisconsin System.

16 **SECTION 16.** 118.40 (2r) (b) 1. c. of the statutes is repealed.

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

18 118.40 (2r) (b) 1. cm. The board of control of a cooperative educational service
19 agency.

20 **SECTION 18.** 118.40 (2r) (b) 1. d. of the statutes is amended to read:

21 118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

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

23 118.40 (2r) (b) 2. A charter shall include all of the provisions specified under
24 sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under
25 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter

1 school on the liability of the contracting entity under this paragraph. The contract
2 may include other provisions agreed to by the parties. ~~The chancellor of the~~
3 ~~University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may~~
4 ~~not establish or enter into a contract for the establishment of a charter school under~~
5 ~~this paragraph without the approval of the board of regents of the University of~~
6 ~~Wisconsin System.~~

7 **SECTION 20.** 118.40 (2r) (b) 3. of the statutes is repealed.

8 **SECTION 21.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
9 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

10 118.40 (2r) (bm) 1. The common council of the city of Milwaukee ~~and the~~
11 ~~Milwaukee area technical college district board~~ may only establish or enter into a
12 contract for the establishment of a charter school located ~~only~~ in the school district
13 operating under ch. 119.

14 2. The chancellor of an institution within the University of
15 ~~Wisconsin-Milwaukee~~ Wisconsin System may only establish or enter into a contract
16 for the establishment of a charter school located ~~only~~ in ~~Milwaukee County~~ the
17 county in which the institution is located or in an adjacent county. ~~The chancellor~~
18 ~~of the University of Wisconsin-Parkside~~

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

23 **SECTION 22.** 118.40 (2r) (bm) 3. of the statutes is created to read:

24 118.40 (2r) (bm) 3. The dean of a college campus within the University of
25 Wisconsin System may only establish or enter into a contract for the establishment

1 of a charter school that is located in the county in which the college campus is located
2 or in an adjacent county.

3 **SECTION 23.** 118.40 (2r) (bm) 5. of the statutes is created to read:

4 118.40 (2r) (bm) 5. The board of control of a cooperative educational service
5 agency may only establish or enter into a contract for the establishment of a charter
6 school that is located within the boundaries of the agency.

7 **SECTION 24.** 118.40 (2r) (c) 1. of the statutes is repealed.

8 **SECTION 25.** 118.40 (2r) (c) 3. of the statutes is repealed.

9 **SECTION 26.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act
10 20, is renumbered 118.40 (2r) (c) and amended to read:

11 118.40 (2r) (c) A pupil who ~~resides in Milwaukee County or in an adjacent~~
12 ~~county~~ may attend any charter school established under this subsection in
13 ~~Milwaukee County or in an adjacent county.~~

14 **SECTION 27.** 118.40 (2r) (cm) of the statutes is repealed.

15 **SECTION 28.** 118.40 (3) (f) of the statutes is created to read:

16 118.40 (3) (f) 1. In this paragraph, a person has a proven track record of success
17 if, during the 2 immediately preceding school years, a person operated a charter
18 school in which the percentage of pupils attending the charter school who received
19 a score of advanced or proficient on the state assessments for math and reading
20 under ss. 118.30 and 121.02 (1) (r) in all tested grades is at least 10 percentage points
21 greater than the percentage of pupils attending public schools in the school district
22 where the charter school is located who received the same scores on the same
23 assessments in the same grades.

24 2. Subject to subd. 4., a school board or entity under sub. (2r) (b) that has
25 contracted with a person to operate a charter school shall, upon receiving a letter of

1 intent under subd. 3. from the person, amend the existing contract or enter into a new
2 contract with the person to authorize the person to operate one or more additional
3 charter schools if the person has a proven track record of success operating a charter
4 school under a contract with the school board or entity.

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

8 a. The date on which instruction will begin at each additional charter school.

9 b. The general location of each additional charter school.

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

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

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

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

21 **SECTION 29.** 118.40 (7) (am) 2. of the statutes is amended to read:

22 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
23 school located in the school district operating under ch. 119 that is converted to a
24 charter school is not an instrumentality of any school district and no school board
25 may employ any personnel for the charter school. If the chancellor of ~~the~~ an

1 institution or the dean of a college campus within the University of
2 Wisconsin-Parkside Wisconsin System contracts for the establishment of a charter
3 school under sub. (2r), the board of regents of the University of Wisconsin System
4 may employ instructional staff for the charter school. If a technical college district
5 board contracts for the establishment of a charter school under sub. (2r), the
6 technical college district board may employ instructional staff for the charter school.
7 If the board of control of a cooperative educational service agency contracts for the
8 establishment of a charter school under sub. (2r), the board of control may employ
9 instructional staff for the charter school.

10 **SECTION 30.** 230.08 (2) (dm) of the statutes is amended to read:

11 230.08 (2) (dm) 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), 2011 stats.

14 **SECTION 31.** 230.35 (1s) of the statutes is amended to read:

15 230.35 (1s) Annual leave of absence with pay for instructional staff employed
16 by the board of regents of the University of Wisconsin System who provide services
17 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
18 shall be determined by the governing board of the charter school established by
19 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the
20 University of Wisconsin-Parkside.

21 **SECTION 32. Initial applicability.**

22 (1) CHARTER SCHOOLS CONTRACTS. The creation of section 118.40 (3) (f) of the
23 statutes first applies to a contract for the establishment of a charter school that is
24 entered into, modified, or renewed on the effective date of this subsection.

