SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 76

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

AN ACT to repeal 118.40 (2) (b) 1., 118.40 (2r) (b) 1. c., 118.40 (2r) (b) 3., 118.40 (2r) (c) 1., 118.40 (2r) (c) 3. and 118.40 (2r) (cm); to renumber and amend 118.40 (2r) (bm) and 118.40 (2r) (c) 4.; to consolidate, renumber and amend 118.40 (2) (b) (intro.) and 2.; to amend 20.923 (6) (m), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c), 115.415 (3) (a) (intro.), 118.40 (2) (a), 118.40 (2m) (am), 118.40 (2m) (b), 118.40 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2., 118.40 (7) (am) 2., 230.08 (2) (dm) and 230.35 (1s); to repeal and recreate 20.923 (6) (m) and 111.815 (1); and to create 118.40 (2r) (b) 1. bn., 118.40 (2r) (b) 1. cm., 118.40 (2r) (bm) 3., 118.40 (2r) (bm) 5. and 118.40 (3) (f) of the statutes;

relating to: authorizing independent charter schools, replicating charter 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:
SECTION 1. 20.923 (6) (m) of the statutes is amended to read:

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

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 (this act), is repealed and recreated to read:

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

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

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

SECTION 4. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining unit specified in s. 111.825 (2) (f), the office is responsible for the employer functions of the executive
branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer functions under this subchapter.

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

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining unit specified in s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin–Madison is responsible for the employer
functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer functions under this subchapter.

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

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

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

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

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

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

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

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

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

118.40 (2) (b) A school board may grant a petition that would result in the conversion of all of the public schools in the school district to charter schools if all of the following apply: 1. 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.

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

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

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

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

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

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

118.40 (2r) (b) 1. b. The chancellor of the institution within the University of Wisconsin–Milwaukee Wisconsin System except for the chancellor of the University of Wisconsin Colleges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The general location of each additional charter school.

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

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

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

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

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

118.40 (7) (am) 2. A charter school established under sub. (2r) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of any school district and no school board may employ any personnel for the charter school. If the chancellor of the an
institution or the dean of a college campus within the University of Wisconsin–Parkside Wisconsin System contracts for the establishment of a charter school under sub. (2r), the board of regents of the University of Wisconsin System may employ instructional staff for the charter school. If a technical college district board contracts for the establishment of a charter school under sub. (2r), the technical college district board may employ instructional staff for the charter school. If the board of control of a cooperative educational service agency contracts for the establishment of a charter school under sub. (2r), the board of control may employ instructional staff for the charter school.

SECION 30. 230.08 (2) (dm) of the statutes is amended to read:

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

SECION 31. 230.35 (1s) of the statutes is amended to read:

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

SECION 32. Initial applicability.

(1) CHARTER SCHOOLS CONTRACTS. The creation of section 118.40 (3) (f) of the statutes first applies to a contract for the establishment of a charter school that is entered into, modified, or renewed on the effective date of this subsection.
SECTION 33. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of sections 20.923 (6) (m) and 111.815 (1) of the statutes takes effect on July 1, 2015.

(END)