

## 2013 DRAFTING REQUEST

### Senate Substitute Amendment (SSA-SB76)

Received: 8/8/2013 Received By: fknepp  
Wanted: As time permits Same as LRB:  
For: Alberta Darling (608) 266-5830 By/Representing: Holly Patterson  
May Contact: Drafter: fknepp  
Subject: Education - charter schools Addl. Drafters:  
Extra Copies: PG  
TKK

Submit via email: YES  
Requester's email: Sen.Darling@legis.wisconsin.gov  
Carbon copy (CC) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Various changes to charter schools

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#### Instructions:

See attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 8/26/2013	scalvin 8/26/2013	jmurphy 8/26/2013	_____			
/P1	fknepp 9/5/2013			_____	lparisi 8/26/2013		
/P2	fknepp 9/12/2013	scalvin 9/5/2013	rschluet 9/5/2013	_____	lparisi 9/5/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		scalvin 9/12/2013	rschluet 9/12/2013	_____	sbasford 9/12/2013	sbasford 9/12/2013	

FE Sent For:

**<END>**

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09/12/2013  
a1213

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/P1		1 p2 sac 09/05/2013		_____	lparisi 8/26/2013		

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/?	fknepp 8/26/2013	scalvin 8/26/2013	<i>jm</i> 8/26	<i>jm+sc</i> 8/26			

FE Sent For:

<END>

From Gary Bunnell & Holly Patterson  
8-23 meeting

**(2) Public hearing; granting of petition.**

(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.

**Comment [BG3]:** Question: Can we get rid of this? Or if we want to do this, should the hearing in general just go away?

(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:

19. {
1. At least 50% of the teachers employed by the school district sign the petition.
  2. The **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.

**Comment [BG4]:** I think AD wants this, verify with holly. If so, renumber to (2)(b)

(c) The school board of the school district operating under ch. 119 shall either grant or deny the petition within 30 days after the public hearing. If the school board of the school district operating under ch. 119 denies a petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the department. The department shall issue a decision within 30 days after receiving the appeal. The department's decision is final and not subject to judicial review under ch. 227.

**Comment [BG5]:** Should the ability to appeal be extended to applicants of any authorizer, or just leave it with MPS

**(2m) School board initiative.**

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

(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.~~

(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.~~

**Comment [BG6]:** Same as before, should we delete the hearing?

**Comment [BG7]:** Necessary deletion based on changes to related section We delete 2(b)(2) to create only 2(b)



**(2r) Other initiatives.**

(a) In this subsection, "instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.

(b)

1. All of the following entities may establish by charter and operate a charter school or, on behalf of their respective entities, may initiate a contract with an individual or group to operate a school as a charter school:

- a. The common council of the city of Milwaukee.
- b. The chancellor of the any four-year University of Wisconsin System campus -Milwaukee.
- c. ~~The chancellor of the University of Wisconsin-Parkside.~~
- d. The Milwaukee-area technical college district board of any Wisconsin's sixteen technical colleges.
- e. ~~The board administrator of CESA's~~

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.~~

2m.

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

3. If the chancellor of the a University of Wisconsin-Parkside four year campus contracts for the establishment of a charter school, the contract shall also provide that the charter school must be operated by a governing board and that the chancellor or his or her designee must be a member of the governing board. In addition, if the contract provides that the instructional staff of the charter school shall consist of employees of the board of regents of the University of Wisconsin System, the contract shall also include provisions that do all of the following:

- a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.
- b. Authorize the governing board of the charter school to perform specified duties for the board of regents with respect to the instructional staff. This authorization may include duties related to supervising the instructional staff, taking disciplinary actions with respect to the instructional staff, recommending new hires or layoffs, collective bargaining, claims, complaints, or benefits and records administration.

**Comment [BG8]:** Expand 2R Authorizers to include all 14 UW System Chancellors, all 16 Tech college boards, and CESAS

**Comment [BG9]:** We want UW Board of regents o/sight on charter contracting deleted

**Comment [BG10]:** What do we need to do about this provision? Leave it, except for clean it up? Delete it?

VP

4. No chartering or contracting entity under subd. 1. may establish or enter into a contract for the establishment of a virtual charter school.

(bm) The common council of the city of Milwaukee and the Milwaukee area technical college district board may establish or enter into a contract for the establishment of a charter school located only in the school district operating under ch. 119. ~~The chancellor of the University of Wisconsin-Milwaukee may establish or enter into a contract for the establishment of a charter school located only in Milwaukee County or in an adjacent county. The chancellor of the a University of Wisconsin-Parkside campus 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 or in an adjacent county.~~

**Comment [BG11]:** Does this language make it an instrumentality? Or is it just speaking to geography?

**(br) An area 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 technical college board's district or in an adjacent county.**

**Comment [BG12]:** Clarifies geographic scope of UW authorizers – county of location and adjacent counties

**Comment [BG13]:** Create TC boards as authorizers

(c) 1. Except as provided in subds. 3. and 4., only pupils who reside in the school district in which a charter school established under this subsection is located may attend the charter school.

3. A pupil may attend Woodlands School, a charter school established in the school district operating under ch. 119 under this subsection, regardless of the pupil's school district of residence, if any of the following applies:

a. The pupil attended Woodlands School in the 2003-04 school year and, beginning in the 2005-06 school year, in the previous school year.

b. A member of the pupil's family who resides in the same household as the pupil attended Woodlands School in the 2003-04 school year.

4. 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.

**5. A pupil who resides in any county other than Milwaukee may attend any charter school established in this subsection in their home county or in any adjacent county.**

**Comment [BG14]:** Does this override MPS's cap on student enrollment in non-union charters?

**Comment [BG15]:** Overrides MPS attempts to cap charter enrollment

(cm) ~~The chancellor of the University of Wisconsin-Parkside may establish or enter into a contract for the establishment of only one charter school under this subsection, which may not operate high school grades and which may not accommodate more than 480 pupils.~~

**Comment [BG16]:** Delete caps on charter creation and enrollment caps for UW parkside

(d) The chartering or contracting entity under par. (b) shall do all of the following:

1. Ensure that all instructional staff of charter schools under this subsection hold a license or permit to teach issued by the department.

2. Administer the examinations under ss. 118.30 (1r) and 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

(e) 2m. In the 2013-14 school year, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to \$7,925 multiplied by the number of pupils attending the charter school.

*deleted*

*No geographic restriction*

2n. In the 2014-15 school year, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to \$8,075 multiplied by the number of pupils attending the charter school.

2p. In the 2015-16 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, if positive. The change in the statewide categorical aid per pupil shall be determined as follows:

a. Add the amounts appropriated in the current fiscal year under s. 20.255 (2), except s. 20.255 (2) (ac), (bb), (fm), (fr), (fu), (k), and (m); s. 20.285 (1) (r) and (rc); and 20.505 (4) (es) and (s).

b. Add the amounts appropriated in the previous fiscal year under the sections specified in subd. 2p. a.

c. Subtract the sum under subd. 2p. b. from the sum under subd. 2p. a.

d. Divide the remainder under subd. 2p. c. by the average of the number of pupils enrolled statewide in the 3 previous school years. In this subd. 2p. d., "number of pupils enrolled" has the meaning given in s. 121.90 (1) (intro.) and includes 40 percent of the summer enrollment.

3m. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

**(3) Contract.**

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

(b) A contract under par. (a) or under subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract.

(c)

1. A school board may not enter into a contract for the establishment of a charter school located outside the school district, except as follows:

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

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

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

1m. Subdivision 1. does not apply to the establishment of a virtual charter school.

2. A school board may not enter into a contract that would result in the conversion of a private, sectarian school to a charter school.

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

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

**(4) Charter school duties and restrictions.**

(a) Duties. A charter school shall do all of the following:

1. If the charter school replaces a public school in whole or in part, give preference in admission to any pupil who resides within the attendance area or former attendance area of that public school.
2. Be nonsectarian in its programs, admissions policies, employment practices and all other operations.

(b) Restrictions. A charter school may not do any of the following:

1. Charge tuition, except as otherwise provided in s. 121.83 (4).
2. Except as provided in par. (c), discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

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

**(5) Charter revocation.**

A charter may be revoked by the school board or the entity under sub. (2r) (b) that contracted with the charter school if the school board or, if applicable, the entity under sub. (2r) (b) finds that any of the following occurred:

- (a) The charter school violated its contract with the school board or the entity under sub. (2r) (b).
- (b) The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01.
- (c) The charter school failed to comply with generally accepted accounting standards of fiscal management.
- (d) The charter school violated this section.

**(6) Program voluntary.**

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 or legal guardian, if the pupil is a minor.

7

*A school?*

**(7) Legal status; applicability of school laws.**

(a) Except as provided in par. (am), the school board of the school district in which a charter school is located shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that the charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that the charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

(am)

*Milwaukee*

1. Except as provided in subs. 2. and 3., if a charter school is established under sub. (2m) and located in the school district operating under ch. 119, the school board of that school district shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that a charter school is an instrumentality of the school district, **then it is a magnet school, not a charter school, and** the school board shall employ all personnel for the charter school. If the school board determines that a charter school is not an instrumentality of the school district, **then the school is a charter school and** the school board may not employ any personnel for the charter school.

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 a University of Wisconsin-Parkside **four year campus** 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. 2(r), then the board may employ instructional staff for the charter school.**

3. ~~Notwithstanding subd. 2., if the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, the charter school is an instrumentality of the school district operating under ch. 119 and the board of the school district operating under ch. 119 shall employ all personnel for the charter school.~~

4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) I. c., that school board shall determine whether the charter school is an instrumentality of the school district regardless of the location of the charter school.

*sp.*

(ar) Nothing in this section affects the rights of personnel of a charter school that is an instrumentality of a school district to engage in collective bargaining pursuant to subch. IV of ch. 111.

(b) Except as otherwise explicitly provided, chs. 115 to 121 do not apply to charter schools.

**Comment [BG17]:** How do we delete this distinction so that every district chartered charter is a non-instrumentality - no instrumentality should exist.

**Comment [BG18]:** Do we need express language that makes city of mke charters non-instrumentalities

*Magnet school may contract around 115-121*

*"Charter"*



**(8) Virtual charter schools.**

(a) Location. For the purposes of sub. (7) (a), (am), and (ar), a virtual charter school is considered to be located in the following school district:

1. If a school board contracts with a person to establish the virtual charter school, in the school district governed by that school board.
2. If 2 or more school boards enter into an agreement under s. 66.0301 to establish the virtual charter school, or if one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish the virtual charter school, in the school district specified in the agreement.

(b) Licensure.

1. The governing body of a virtual charter school shall assign an appropriately licensed teacher for each online course offered by the virtual charter school. No person holding only a permit to teach exclusively in a charter school may teach in a virtual charter school, and no person holding both a license to teach exclusively in a charter school and a license to teach in other public schools may teach, in a virtual charter school, a subject or at a level that is not authorized by the latter license.
2. If a pupil attends a virtual charter school, any person providing educational services to the pupil in the pupil's home, other than instructional staff of the virtual charter school, is not required to hold a license or permit to teach issued by the department.
3. The department may not require a person licensed as provided under subd. 1. to complete professional development not required of any other individual required to be licensed under s. 118.19.

(c) Staff duties. In a virtual charter school, an instructional staff member is responsible for all of the following for each pupil the instructional staff member teaches:

1. Improving learning by planned instruction.
2. Diagnosing learning needs.
3. Prescribing content delivery through class activities.
4. Assessing learning.
5. Reporting outcomes to administrators and parents and guardians.
6. Evaluating the effects of instruction.

(d) Required days and hours. A virtual charter school shall do all of the following:

1. Provide educational services to its pupils for at least 150 days each school year.
2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) 2, each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.
3. Ensure that its teachers respond to inquiries from pupils and from parents or guardians of pupils by the end of the first school day following the day on which the inquiry is received.

(e) Parent advisory council. The governing body of a virtual charter school shall ensure that a parent advisory council is established for the school and that it meets on a regular basis. The governing body shall determine the selection process for members of the parent advisory council.

(f) Required notices. At the beginning of each school term, the governing body of a virtual charter school shall inform the parent or guardian of each pupil attending the virtual charter school, in writing, the name of, and how to contact, each of the following persons:

1. The members of the school board that contracted for the establishment of the virtual charter school and the administrators of that school district.

2. The members of the virtual charter school's governing body, if different than the persons under subd. 1.

3. The members of the virtual charter school's parent advisory council established under par. (e).

4. The staff of the virtual charter school.

(g) Pupil's failure to participate.

1. Whenever a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the governing body of the virtual charter school shall notify the pupil's parent or guardian.

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

2m. If the parent or guardian of a pupil attending a virtual charter school notifies the virtual charter school in writing before a school assignment or directive is given that the pupil will not be available to respond to the assignment or directive during a specified period, the school days during that period do not count for purposes of subd. 2. The virtual charter school shall require the pupil to complete any assignment missed during the period. This subdivision applies to no more than 10 school days in a school year.

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

115.415 Educator effectiveness.

(1) The department shall develop an educator effectiveness evaluation system and an equivalency process aligned with the department's evaluation system for the evaluation of teachers and principals of public schools, including teachers and principals of a charter school established under s. 118.40 (2r), as provided in this section. Each school board and the governing body of each charter school established under s. 118.40 (2r) shall evaluate teachers and principals in the school district or charter school beginning in the 2014-15 school year using the department's system or a comparable system used by a (2r) school.

**Comment [BG19]:** We need to create a way for charters to use their own EES —e.g. Carmen HS issue.

(2) The department shall develop an educator effectiveness evaluation system according to the following framework, and may charge a fee to a school district and the governing body of a charter school established under s. 118.40 (2r) to use the system developed under this subsection:

(a) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon measures of student performance, including performance on state assessments, district-wide assessments, student learning objectives, school-wide reading at the elementary and middle-school levels, and graduation rates at the high school level.

(b) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon one of the following:

1. For a teacher, the extent to which the teacher's practice meets the core teaching standards adopted by the 2011 Interstate Teacher Assessment and Support Consortium.

2. For a principal, the extent to which the principal's practice meets the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards.

(c) A teacher or principal evaluated under this subsection shall be placed in one of multiple performance categories.

(3)

(a) The department shall promulgate by rule an equivalency process aligned with the evaluation system established under sub. (2) for a 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 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:

115.415(3)(a)1. 1. Planning and preparation.

2. The classroom environment.

3. Instruction.

4. Professional responsibilities and development.

(b) A teacher or principal evaluated under this subsection shall be placed in one of multiple performance categories.

(4) From the appropriation under s. 20.255 (2) (ek), the department may award grants to school districts and the governing body of a charter school established under s. 118.40 (2r) to implement an educator effectiveness evaluation system developed under sub. (2) or an equivalency process established by rule under sub. (3).

History: 2011 a. 166; 2013 a. 20.

## **Patterson, Holly**

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**From:** Archibald, Sarah  
**Sent:** Thursday, August 15, 2013 3:20 PM  
**To:** Patterson, Holly  
**Subject:** Virtual Charter school language

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Holly,

Unfortunately, I can't easily get you the exact language from home, but Fern could get it from Peter Grant or I could give it to you tomorrow. In the meantime, if you can still talk to Alberta today, the basic idea is this:

Any virtual charter school with over 50 percent of its pupils open-enrolled would not count toward the district report card for the chartering district. (The school would receive a school rating only.)

Thanks!  
Sarah

Sarah Archibald  
Education Policy Advisor and Committee Clerk Office of Senator Luther Olsen  
123 South State Capitol  
Madison, WI 53707  
(608) 266-0751  
[sarah.archibald@legis.wi.gov](mailto:sarah.archibald@legis.wi.gov)

## Patterson, Holly

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**From:** Archibald, Sarah  
**Sent:** Friday, August 16, 2013 10:57 AM  
**To:** Patterson, Holly  
**Subject:** Language to be added to charter schools draft

Hi Holly,

Here is the language we talked about adding to the charter schools draft:

(b) The department may not use data derived from a virtual charter school to rate a school district under sub. (3) (a) if more than 50 percent of the pupils attending the virtual charter school are attending under the open enrollment program under s. 118.51.

For Fern's reference, in case she needs more context, this language came from LRB 2020/1, p. 14, lines 4-7.

Thanks Holly!

Sarah

Sarah Archibald, Ph.D.  
Education Policy Advisor  
Office of Senator Luther Olsen  
319 South, State Capitol  
Madison, WI 53707  
(608) 266-0751  
[Senator Olsen on Facebook](#)

**Knepp, Fern**

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**From:** Patterson, Holly  
**Sent:** Monday, August 19, 2013 11:24 AM  
**To:** Knepp, Fern  
**Subject:** charter school draft

Fern,

So the main difference between instrumentalities and non-instrumentalities is that non-instrumentalities are their own non-profits. They have their own independent boards to answer to, while instrumentalities are all employees of the school districts and answer to the school board. We would like non-instrumentalities to have the option of becoming either 2Rs or magnets when their contract is up.

If the problem is mainly in the term "magnet", we can change the name. We can call them something else.

Please let me know if this is helping to clarify things.  
Thanks,

**Holly Patterson**  
Office of State Senator Alberta Darling  
Phone: 608-266-5830

"Charter" =  
Charter (2R)  
non-instrumentality

eliminate

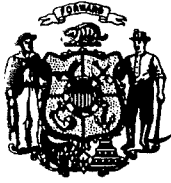
Instrum 2 end of IC  
become (2R) or non-instr

Stay instrumentality  
called "magnet"

Composite  
% proficiency

eliminate  
non-instrumentality

(2r)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT,**  
**TO SENATE BILL 76**

*Notes from 8-23 meeting*

1 **AN ACT ...; relating to:** independent charter schools, charter school contracts,  
2 charter school teaching licenses, and authorization to use an alternative  
3 process for educator effectiveness<sup>(c)</sup>

---

***Analysis by the Legislative Reference Bureau***

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

---

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

4 **SECTION 1.** 115.415 (3) (a) (intro.) of the statutes is amended to read:  
5 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency  
6 process aligned with the evaluation system established under sub. (2) for a school  
7 district, a charter school under contract with a school board under s. 118.40 that is



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

History: 2011 a. 166; 2013 a. 20.

10 **SECTION 2.** 118.19 (15) of the statutes is created to read:

11 118.19 (15) The department may not issue a charter school teaching license  
12 unless the applicant has passed the Praxis I and the Praxis II for the subject area  
13 that the applicant will be authorized to teach under the license or equivalent exams  
14 approved by the department.

\*\*\*\*NOTE: It is my understanding that the Praxis II a subject area examination.  
As drafted, the bill requires a Praxis II for the subject areas that the applicant will be  
authorized to teach under the license. This means that an applicant could be required  
to take more than one Praxis II exam. Is this consistent with your intent?

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

16 118.40 (2m) (b) A school board may ~~not~~ enter into a contract under par. (a) that  
17 would result in the conversion of all of the public schools in the school district to  
18 charter schools ~~unless the school board complies with sub. (2) (b) 2.~~

\*\*\*\*NOTE: Is this consistent with your instruction to allow districts to become  
charter school districts by school board decision?

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111,  
346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

19 **SECTION 4.** 118.40 (2r) (b) 1. b. of the statutes is amended to read:

1           118.40 (2r) (b) 1. b. The chancellor of the each institution of the University of  
2           ~~Wisconsin–Milwaukee~~ Wisconsin System.

      \*\*\*\*NOTE: As drafted, this applies to the chancellor of any baccalaureate or graduate degree granting institution in The UW System but does not apply to 2–year college campuses. Okay?

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

3           **SECTION 5.** 118.40 (2r) (b) 1. c. of the statutes is repealed.

4           **SECTION 6.** 118.40 (2r) (b) 1. d. of the statutes is amended to read:

5           118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

6           **SECTION 7.** 118.40 (2r) (b) 1. cm. of the statutes is created to read:

7           118.40 (2r) (b) 1. cm. The board of control of a cooperative educational service  
8           agency

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

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

      \*\*\*\*NOTE: Is this change consistent with your intent? Also, do you want to keep subd. 3., which requires certain provisions be included in a contract entered into by the chancellor of UW–Parkside and requires additional provisions if the contract provides that the instructional staff of the charter school must be employees of the board of regents of the UW–System?. If it is your intent to retain this aspect of current law, should it apply to all Uw institutions or remain specific to the UW–Parkside?

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

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

3           118.40 (2r) (bm) 1. The common council of the city of Milwaukee and the  
4 ~~Milwaukee area technical college district board~~ may only establish or enter into a  
5 contract for the establishment of a charter school located ~~only~~ in the school district  
6 operating under ch. 119.

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

12           3. Except as provided in subd. 1., a technical college district board may only  
13 establish or enter into a contract for the establishment of a charter school located in  
14 ~~a unified school district that is located in the county in which the University of~~  
15 ~~Wisconsin–Parkside is situated~~ technical college district or in an adjacent county.

\*\*\*\*NOTE: The draft retains current law regarding where the Milwaukee technical college district board may establish a charter school. Please let me know if this is not consistent with your intent.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (c) 2p. b.,c.

16           **SECTION 10.** 118.40 (2r) (bm) 4. of the statutes is created to read:

17           118.40 (2r) (bm) 4. The board of control of a cooperative educational service  
18 agency may only establish or enter into a contract for the establishment of a charter  
19 school that is located within the boundaries of the agency.

20           **SECTION 11.** 118.40 (2r) (c) 1. of the statutes, as affected by 2013 Wisconsin Act  
21 20, is amended to read:

*allow no geographic restriction*

*\**

1           118.40 (2r) (c) 1. Except as provided in ~~subds. subd. 3. and 4.~~, only pupils who  
2           reside in the ~~school district~~ county in which a charter school established under this  
3           subsection is located or an adjacent county may attend the charter school.

\*\*\*\*NOTE: This draft does not address open enrollment for independent charter schools because those schools are not connected to a school district. When a pupil enrolls in an independent charter school, there is not a “nonresident school district,” as described in the open enrollment statute. Please let me know if your intention in including independent charter schools in open enrollment was to allow a pupil from farther away than an adjacent county to attend a charter school.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (c) 2p. b.,c.

4           **SECTION 12.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act  
5           20, is repealed.

6           **SECTION 13.** 118.40 (2r) (cm) of the statutes is repealed.

\*\*\*\*NOTE: Under current law, there are numerous cross-references that pertain to the employees of the charter school established by contract under s. 118.40 (2r) (cm) (i.e., the charter school authorized by the chancellor of UW-Parkside). In this draft, you are removing the restrictions on charter schools authorized by UW-Parkside and expanding authorizers to include the chancellor of any UW institution. Please advise on how you would like the draft to address the employees of the existing charter school authorized by the UW-Parkside chancellor and how to address the employees of future charter school authorized by any chancellor of a UW institution, but also specifically by the chancellor of the UW-Parkside taking into account s. 118.40 (2r) (b) 3, which is discussed above.

*go in*

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

8           118.40 (3) (f) 1. A school board or entity under sub. (2r) (b) that has contracted  
9           with a person to operate a charter school shall, upon receiving an application under  
10          subd. 2. from the person, amend the existing contract or enter into a new contract  
11          with the person to allow the person to operate an additional charter school if, the  
12          percentage of pupils receiving a score of advanced or proficient on the most recent  
13          state assessment in math and reading for all tested grades in each of the applicant’s  
14          existing charter schools in this state exceeds by more than 10 percent the average  
15          percentage of pupils in the school district where the additional charter school will be

1 located receiving a score of advanced or proficient on the most recent state  
2 assessments in math and reading for the same tested grades.

\*\*\*NOTE: The instructions compared the percentage of student in each of the applicants existing schools with the “average” for the same tested grades in the surrounding public schools. I assumed that you intended to compare the percentage of students in existing charter schools with the percentage of students in public schools. I also assumed that the public school district is the public school district where the new school will be located. If these assumptions are incorrect or the drafted language differs from your intent, please let me know.

3 2. A person applying to operate an additional charter school under this  
4 paragraph shall submit to a school board or entity under sub. (2r) (b) with which the  
5 person has an existing contract an application containing all of the following:

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

7 The date must be during the term of the existing contract.

8 b. The general location of the additional charter school.

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

12 d. The percentage of students receiving a score of advanced or proficient on the  
13 most recent state assessment in math and reading for all tested grades in each of the  
14 charter schools that the person operates in this state.

\*\*\*NOTE: Is this information that you want included with the application in light of the changes made to subd. 1.?

15

(END)

Fri 8-23

Gary Bennett -

Intend is to leave 2 options for  
"charter schools"

(a) (2r)

(b) school board non-instrumentality

What are new school board instrumentality  
become regular public school @ end of  
existing K or enter into a new K to  
with a (2r) authorizer or become a  
non-instr.

Mon 8-26

Gary Bennett Take out the provisions  
related to ~~get~~ ending  
instrumentality charter schools



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0100/?

FFK: ) : ... / P1

see

TODAY  
In 8-26-13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO SENATE BILL 76**

1 AN ACT <sup>gen act.</sup> ...; relating to: authorizing independent charter schools, eliminating  
2 instrumentality charter schools, utilizing an alternative process for educator  
3 effectiveness, and requirements for a charter school teaching license.

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

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

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

1 NOTE: NOTE: NOTE: Par. (m) is amended eff. 7–1–15 by 2011 Wis. Act 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448, to read:NOTE:

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

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 616 to 630, 9121 (6) (a); 2007 a. 196; 2009 a. 28, 180; 2011 a. 10, 32, 38; 2013 a. 20; s. 13.92 (2) (i).

4 SECTION 2. 20.923 (6) (m) of the statutes, as affected by 2011 Wisconsin Act 32

5 and 2013 Wisconsin Act .... (this act), is repealed and recreated to read:

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

9 NOTE: NOTE: Par. (m) is amended eff. 7–1–15 by 2011 Wis. Act 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448, to read:NOTE:

10 (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.

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 616 to 630, 9121 (6) (a); 2007 a. 196; 2009 a. 28, 180; 2011 a. 10, 32, 38; 2013 a. 20; s. 13.92 (2) (i).

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

12 40.02 (55) (intro.) “Teacher” means any employee engaged in the exercise of any  
13 educational function for compensation in the public schools, including charter  
14 schools as defined in s. 115.001 (1) that are instrumentalities of a school district, or  
15 the university in instructing or controlling pupils or students, or in administering,  
16 directing, organizing or supervising any educational activity, but does not include  
17 any employee determined to be an auxiliary instructional employee under s. 115.29  
18 (3). “Teacher” includes the following:

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2007 a. 20, 131, 226; 2009 a. 15, 28; 2011 a. 7, 10, 32, 116, 229; 2013 a. 20; s. 35.17 correction in (22) (a).

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

20 40.02 (55) (a) Any person employed as a librarian by any school board in a  
21 library in any school under its jurisdiction, including a charter school as defined in  
22 s. 115.001 (1) that is an instrumentality of a school district, whose qualifications as



1 a librarian are at least equal to the minimum librarian qualifications prescribed by  
2 the state superintendent of public instruction.

**History:** 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152; 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 84, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2007 a. 20, 131, 226; 2009 a. 15, 28; 2011 a. 7, 10, 32, 116, 229; 2013 a. 20; s. 35.17 correction in (22) (a).

3 **SECTION 5.** 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), 2011 stats.

**History:** 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16; 2003 a. 33 ss. 1987m, 1988m, 9160; 2009 a. 28; 2011 a. 10, 32. ✕

7 **SECTION 6.** 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. To coordinate the employer position  
12 in the negotiation of agreements, the office shall maintain close liaison with the  
13 legislature relative to the negotiation of agreements and the fiscal ramifications of  
14 those agreements. Except with respect to the collective bargaining unit specified in  
15 s. 111.825 (2) (f), the office is responsible for the employer functions of the executive  
16 branch under this subchapter, and shall coordinate its collective bargaining  
17 activities with operating state agencies on matters of agency concern. The legislative  
18 branch shall act upon those portions of tentative agreements negotiated by the office  
19 that require legislative action. With respect to the collective bargaining unit  
20 specified in s. 111.825 (2) (f), the governing board of the charter school established  
21 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
22 functions under this subchapter.

1 NOTE: NOTE: NOTE: Sub. (1) is affected by 2011 Wis. Acts 10 and 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448, and merged by the legislative reference  
2 bureau under s. 13.92 (2) (i) effective 7-1-15, as shown below. The commas in square brackets were inserted by 2011 Wis. Act 32, but are unnecessary. "And" in curly  
3 brackets must be added for correct grammar. Corrective legislation is pending.NOTE:

4 (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  
5 service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the  
6 negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those  
7 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  
8 executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The  
9 legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining  
10 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  
11 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  
12 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.  
13 118.40 (2r) (cm) is responsible for the employer functions under this subchapter.

14 History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27; 2001 a. 16, 104; 2003 a. 33; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

15 SECTION 7. 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and

16 2013 Wisconsin Act .... (this act), is repealed and recreated to read:

17 (1) In the furtherance of this subchapter, the state shall be considered as a  
18 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 (1r) and (1t), the office is responsible for the employer functions of the  
25 executive branch under this subchapter, and shall coordinate its collective  
26 bargaining activities with operating state agencies on matters of agency concern.  
27 The legislative branch shall act upon those portions of tentative agreements  
28 negotiated by the office that require legislative action. With respect to the collective  
29 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University  
30 of Wisconsin System is responsible for the employer functions under this subchapter.  
31 With respect to the collective bargaining units specified in s. 111.825 (1t), the  
32 chancellor of the University of Wisconsin-Madison is responsible for the employer  
33 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

1 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
2 functions under this subchapter.

NOTE: NOTE: Sub. (1) is affected by 2011 Wis. Acts 10 and 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448, and merged by the legislative reference bureau under s. 13.92 (2) (i) effective 7–1–15, as shown below. The commas in square brackets were inserted by 2011 Wis. Act 32, but are unnecessary. “And” in curly brackets must be added for correct grammar. Corrective legislation is pending. NOTE:

3 (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  
4 service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the  
5 negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those  
6 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  
7 executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The  
8 legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining  
9 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  
10 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  
11 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.  
12 118.40 (2r) (cm) is responsible for the employer functions under this subchapter.

History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27; 2001 a. 16, 104; 2003 a. 33; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

13 **SECTION 8.** 111.825 (2) (f) of the statutes is amended to read:

14 111.825 (2) (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.

History: 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24; 2001 a. 16; 2005 a. 253; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

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

18 111.92 (1) (c) Any tentative agreement reached between the governing board  
19 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
20 acting for the state, and any labor organization representing a collective bargaining  
21 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor  
22 organization and approval by the chancellor of the University of  
23 Wisconsin–Parkside, be executed by the parties.

History: 1971 c. 270; 1977 c. 196 s. 130 (9); 1981 c. 20 s. 2202(33) (b); 1981 c. 126, 391; 1985 a. 42 s. 29; 1989 a. 336; 1995 a. 27; 2001 a. 16; 2003 a. 33; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

24 **SECTION 10.** 115.415 (3) (a) (intro.) of the statutes is amended to read:

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

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

History: 2011 a. 166; 2013 a. 20.

**SECTION 11.** 118.19 (15) of the statutes is created to read:

118.19 (15) The department may not issue a charter school teaching license  
unless the applicant has passed the Praxis I and the Praxis II for the subject area  
that the applicant will be authorized to teach under the license or equivalent exams  
approved by the department.

\*\*\*\*NOTE: It is my understanding that the Praxis II <sup>is</sup> a subject area examination.  
As drafted, the bill requires a Praxis II for the subject areas that the applicant will be  
authorized to teach under the license. This means that an applicant could be required  
to take more than one Praxis II exam. Is this consistent with your intent?

**SECTION 12.** 118.40 (1m) (b) 2m. of the statutes is created to read:

118.40 (1m) (b) 2m. The name of the person who will employ the personnel of  
the charter school.

**SECTION 13.** 118.40 (1m) (b) 7. of the statutes is amended to read:

118.40 (1m) (b) 7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02  
(1) (a) 2., the qualifications that must be met by the individuals to be employed in the  
school.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r)(e) 2p. b, c.

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

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

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

7           **SECTION 15.** 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b)  
8 and amended to read:

9           118.40 (2) (b) A school board may grant a petition that would result in the  
10 conversion of all of the public schools in the school district to charter schools if all of  
11 ~~the following apply:~~

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

12           **SECTION 16.** 118.40 (2) (b) 1. and 2. of the statutes are repealed.

13           **SECTION 17.** 118.40 (2) (bn) of the statutes is created to read:

14           118.40 (2) (bn) A school board may not grant a petition to establish a charter  
15 school that is an instrumentality of the school district.

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

17           118.40 (2m) (a) A school board may on its own initiative contract with a person  
18 to operate a school as a charter school. The contract shall include all of the provisions  
19 specified under sub. (1m) (b), the name of the person who will employ the the  
20 personnel of the charter school, and may include other provisions agreed to by the  
21 parties.

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (3); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

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

1 118.40 (2m) (am) At least 30 days before entering in a contract under this  
 2 subsection that would convert a private school to a charter school ~~or that would~~  
 3 ~~establish a charter school that is not an instrumentality of the school district,~~ the  
 4 school board shall hold a public hearing on the contract. At the hearing, the school  
 5 board shall consider the level of employee and parental support for the establishment  
 6 of the charter school and the fiscal impact of the establishment of the charter school  
 7 on the school district.

NO  
strike

\*\*\*\*NOTE: Please note that the hearing to consider a petition to establish a charter school continues to require parental support and the fiscal impact of the charter school on the school district.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

8 SECTION 20. 118.40 (2m) (b) of the statutes is amended to read:

9 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that  
 10 would result in the conversion of all of the public schools in the school district to  
 11 charter schools unless the school board complies with sub. (2) (b) 2.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

12 SECTION 21. 118.40 (2m) (c) of the statutes is created to read:

13 118.40 (2m) (c) A school board may not enter into a contract to establish a  
 14 charter school that is an instrumentality of the school district.

15 SECTION 22. 118.40 (2r) (b) 1. b. of the statutes is amended to read:

16 118.40 (2r) (b) 1. b. The chancellor of the an institution <sup>within</sup> of the University of  
 17 Wisconsin-Milwaukee Wisconsin System.

\*\*\*\*NOTE: The definition of a chancellor of an institution of the UW-System includes a chancellor of a 4-year campus and the chancellor in charge of all of the 2-year campuses. Okay?

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

18 SECTION 23. 118.40 (2r) (b) 1. c. of the statutes is repealed.

19 SECTION 24. 118.40 (2r) (b) 1. cm. of the statutes is created to read:

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

3 SECTION 25. 118.40 (2r) (b) 1. d. of the statutes is amended to read:

4 118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

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

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

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

15 SECTION 27. 118.40 (2r) (b) 3. of the statutes is repealed.

16 SECTION 28. 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act  
17 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

18 118.40 (2r) (bm) 1. The common council of the city of Milwaukee ~~and the~~  
19 ~~Milwaukee area technical college district board~~ may only establish or enter into a  
20 contract for the establishment of a charter school located ~~only~~ in the school district  
21 operating under ch. 119.

22 2. The chancellor of an institution of the University of Wisconsin–Milwaukee  
23 Wisconsin System may only establish or enter into a contract for the establishment

1 of a charter school located ~~only in Milwaukee County~~ the county in which the  
2 institution is located or in an adjacent county. ~~The chancellor of the University of~~  
3 ~~Wisconsin-Parkside~~

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

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

8 **SECTION 29.** 118.40 (2r) (bm) 4. of the statutes is created to read:

9 118.40 (2r) (bm) 4. The board of control of a cooperative educational service  
10 agency may only establish or enter into a contract for the establishment of a charter  
11 school that is located within the boundaries of the agency.

12 **SECTION 30.** 118.40 (2r) (c) 1. of the statutes is repealed.

13 **SECTION 31.** 118.40 (2r) (c) 3. of the statutes is repealed.

14 **SECTION 32.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act  
15 20, is renumbered 118.40 (2r) (c) and amended to read:

16 118.40 (2r) (c) A pupil ~~who resides in Milwaukee County or in an adjacent~~  
17 ~~county~~ may attend any charter school established under this subsection in  
18 ~~Milwaukee County or in an adjacent county.~~

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

19 **SECTION 33.** 118.40 (2r) (cm) of the statutes is repealed.

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

21 118.40 (3) (f) 1. A school board or entity under sub. (2r) (b) that has contracted  
22 with a person to operate a charter school shall, upon receiving an application under  
23 subd. 2. from the person, amend the existing contract or enter into a new contract



1 with the person to allow the person to operate an additional charter school if, in the  
2 2 school years preceding the application, the percentage of pupils receiving a score  
3 of advanced or proficient on the most recent state assessment in math and reading  
4 for all tested grades in each of the applicant's existing charter schools in this state  
5 exceeds the percentage of pupils in the same grades receiving a score of advanced or  
6 proficient on the the most recent state assessment in math and reading in the school  
7 district where the additional charter school will be located by more than 10 percent.  
8 A school board or entity under sub. (2r) (b) may not authorize an applicant to operate  
9 more than one additional charter school per school year under this subdivision

\*\*\*\*NOTE: I incorporated the changes from SA1 to SB76 into this subdivision.  
Okay?

10 2. A person applying to operate an additional charter school under this  
11 paragraph shall submit to a school board or entity under sub. (2r) (b) with which the  
12 person has an existing contract an application containing all of the following:

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

14 The date must be during the term of the existing contract.

15 b. The general location of the additional charter school.

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

19 d. The percentage of students receiving a score of advanced or proficient on the  
20 most recent state assessment in math and reading for all tested grades in each of the  
21 charter schools that the person operates in this state.

\*\*\*\*NOTE: Is this information that you want included with the application in light  
of the changes made to subd. 1.?

22 **SECTION 35.** 118.40 (6) of the statutes is repealed.

\*\*\*\*NOTE: I repealed this subsection because under the draft all of the schools in a school district may be converted to charter schools without providing an alternative public school option. Is this consistent with your intent?

SECTION 36. 118.40 (7) (a) of the statutes is amended to read:

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

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b.,c.

SECTION 37. 118.40 (7) (am) 1., 3., and 4. of the statutes are repealed.

SECTION 38. 118.40 (7) (am) 2. of the statutes is renumbered 118.40 (7) (am) and amended to read:

118.40 (7) (am)<sup>2.</sup> 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 of 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.

LPS!  
Part  
component

NO  
Strike

within  
17

\*\*\*NOTE: Do you want the board of control of a CESA to be able to employ instructional staff of a charter school?

**History:** 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; s. 35.17 correction in (2r) (e) 2p. b, c.

**SECTION 39.** 118.40 (7) (ar) of the statutes is repealed.

**SECTION 40.** 118.40 (8) (a) of the statutes is repealed.

\*\*\*NOTE: I repealed this paragraph because location is no longer relevant to whether a charter school is an instrumentality under sub. (7).

**SECTION 41.** 119.60 (5) of the statutes is amended to read:

119.60 (5) For any lease of city-owned property used for school purposes in effect on January 1, 2011, between the board and a charter school that is not an instrumentality of the school district under s. 118.40 (7), the common council shall be made party to the lease and may negotiate with the charter school to modify the terms of the lease when the lease is modified, extended, or renewed if the common council adopts a resolution to do so. If a lease is modified, extended, or renewed as provided in this subsection, the net proceeds of that lease shall be deposited in the school operations fund under s. 119.46.

**History:** 1983 a. 224; 2005 a. 453; 2011 a. 17.

**SECTION 42.** 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.

NOTE: NOTE: Par. (dm) is repealed eff. 7-1-15 by 2011 Wis. Act 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448. NOTE:

**History:** 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 10, 32, 38, 155; 2013 a. 20; s. 13.92 (2) (i).

**SECTION 43.** 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

1 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the  
2 University of Wisconsin-Parkside.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10.

3 **SECTION 44. Initial applicability.**

4 (1) CHARTER SCHOOLS CONTRACTS. The treatment of sections 40.02 (55) (intro.)  
5 and (a) and 118.40 (2m) (a) and (7) (a) and (am), the creation of section 118.40 (2) (bn),  
6 (2m) (c), and (3) (f) of the statutes and the repeal of section 118.40 (7) (ar) of the  
7 statutes first apply <sup>2 118.40</sup> to a contract for the establishment of a charter school that is  
8 entered into, modified, or renewed on the effective date of this subsection.

9 (2) CHARTER SCHOOL TEACHING LICENSES. The creation of section 118.19 (15) of  
10 the statutes first applies to a charter school teaching license issued or renewed on  
11 the effective date of this subsection.

12 **SECTION 45. Effective date.**

*plain*  
*This act takes effect on the day after publication, except as follows:*

13 (1) The repeal and recreation of sections 20.923 (6) (m) and 111.815 (1) of the  
14 statutes take <sup>s</sup> effect on July 1, 2015.

*PS: change component*

14

*insert component*

*END*

**Knepp, Fern**

**From:** Patterson, Holly  
**Sent:** Thursday, August 08, 2013 2:29 PM  
**To:** Knepp, Fern  
**Subject:** SB 76

Fern,

- Expanding authorizers to include CESAs (who can authorize schools within their CESA boundaries), University campuses (with Chancellors as decision makers, and ability to authorize schools in the county in which they are located and adjacent counties), and technical colleges (which can authorize in the county in which they are located and adjacent counties)
- Expanding eligibility so that anyone in the county in which the charter school is located or an adjacent county can attend/open enroll in the charter school *already see 118.5(2)*
- Allowing districts to become charter school districts by school board decision *(2)(b)?*
- Removing the distinction in the law between non-instrumentality and instrumentality charter schools going forward (once their K is up) and changing instrumentalities to magnet schools *Applies to K*
  - Calling only non-instrumentalities charter schools. This involves changing the law so that magnet schools are exempt from the same rules and regulations as charter schools
  - Once their K is up, they can choose between becoming and non-instrumentality (known only as a charter school) or becoming a magnet school
- Remove the cap (for number of students & number of schools) for UW-Parkside
- Requiring that authorizers of 2rs have, as part of their K, a presumptive replication for high-performing schools
  - Essentially SB 76 as it stands, except that we would like to change the be...

*44r or 24r*  
*definition*

*board of control (bm)*

“...a school board or entity under sub (2r)(b) that has authorized a person or organization to operate a charter school shall, upon receiving an application under subd. 2. from the person, amend the existing or enter into a new contract with the person to allow the person to operate an additional charter school if, the percentage of students receiving a score of advanced or proficient on the most recent state assessment in math and reading for all tested grades in each of their existing schools authorized by the same entity under (2r)(b) exceeds the surrounding public school district average for the same tested grades by more than ten percentage points.”

- Clarify that for the charter school teaching license, teachers must show competency by taking the Praxis I and Praxis II (or similar test of competency)
- Allow non-instrumentality charter schools to apply for equivalency for their educator effectiveness systems rather than requiring them to do what their authorizing district

*115.445(3)*  
*41*

Please let me know if this is confusing or if you have any questions.

Thank you,

**Holly Patterson**  
Office of State Senator Alberta Darling  
Phone: 608-266-5830

*Insta*  
*119.66(5)*  
*115.88(1)*

*Charter school w/ instrumentality - magnet school - not be subject to new charter school accountability rules*

**Knepp, Fern**

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**From:** Bennett, Gary  
**Sent:** Tuesday, September 03, 2013 8:24 AM  
**To:** Knepp, Fern  
**Subject:** Charter Draft

Hi Fern,

I hope you enjoyed your vacation. Can you call me at your earliest convenience to chat about our draft. I know that excluded appendix one from the attachment as we are still working out details on the replication language. I need some statutory guidance from you on that issue.

Best,

Gary Allen Bennett  
Office of Senator Alberta Darling  
317 East, State Capitol  
608-266-5830

**Section 9** Page 5 Lines 7-11: Delete entirely.

**Section 10** Page 5 Lines 16-17: revise as follows

**Comment [BG1]:** Goal is to make Secs. 10 & 13 consistent processes

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 11** Page 5-6 Revise as follows

(2m)(b)

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:~~ 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 13** Page 6 Lines 3-9, revise as follows

**Comment [BG2]:** Goal is to make Secs. 10 & 13 consistent processes

**SECTION 13.** 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 15** Yes, it is correct that we intended to include 2 year campuses. Would we need a separate language to make each 2-year college campus and/or extension authorizers?

\* Jean  
Vince  
Ch. 36

**Section 17** "Is board of control" for CESA the final language, or are you waiting on us to select a name for the decisionmaking body within a CESA? \*

✓ Section 21

Do we need operative language defining the geographic jurisdiction of two-year campus authorizers? Or would they fall under the existing draft?

?

Section 27

See Appendix 1 for model draft language.

✓ Section 28

Remove from the draft- we do not want to repeal 118.40(6). Revision to Section 11 should address the concerns you raised in your note.

Section 29

Yes, draft language so that CESA may employ staff within a charter school they authorize.

Section 32

Delete (2) as we remove the licensure issues.

Section 33

Do we need a flexible effective date to prevent potential K issues?



**Knepp, Fern**

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**From:** Bennett, Gary  
**Sent:** Wednesday, September 04, 2013 11:28 AM  
**To:** Knepp, Fern  
**Subject:** SECTION 27 Revised.docx  
**Attachments:** SECTION 27 Revised.docx

Lots of drafting work likely is needed – but here is the essence of what is wanted. As always, please contact our office if I can provide any clarification.

Best,

Gary

PROPOSED REVISION

SECTION 27. 118.40 (3) (f) of the statutes is created to read:

1.40 (3) (f)

1. 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 described in sub2 from the person, amend the existing contract or enter into a new contract with the person to allow the person to operate an additional charter school or charter schools if the existing charter school has a proven track record of success for the immediately preceding 2 school years.

a. For the purposes of this subdivision, a proven track record of success shall be deemed to exist if the person can demonstrate that at least ten percent of the pupils at the charter school received a score of advanced or proficient on state math and reading assessments in the same tested grades as the pupils who receive a score of advanced or proficient on the same state math and reading assessments in the school district where the charter school is located.

2. A letter of intent to operate an additional charter school or charter schools under this paragraph shall be submitted to a school board or entity under sub. (2r) (b) that includes the following:

- a. The date on which instruction will begin at the additional charter school.
- b. The general location of the additional charter school.
- c. A description of any potential facility that may be used by the additional charter school, including the approximate number of pupils that each facility may safely accommodate.
- d. The percentage of students receiving a score of advanced or proficient on the most recent state assessment in math and reading for all tested grades in the charter schools that provides a basis for replication and the same data for the surrounding district.

3. Unless a school board or entity under sub. (2r)(b) agrees otherwise, a school board or entity under sub. (2r) (b) may not authorize an applicant to operate more than two additional charter schools per school year under this subdivision.

4. Any school created by this subdivision shall be treated as an individual institution for state and federal funding purposes. Replicated campuses shall not be treated as satellite or subsidiary campuses of the existing school.

*ab*  
*Leant*  
*10%*  
*Comparison*  
*one school*

*school board*  
*+ authorize*  
*allows to say*

*charter school*

**Comment [BG1]:** This needs to be narrowly tailored so as to allow the school to qualify independently for grant / private foundation money, rather than requiring them to kick up to the parent org.