



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0100/P1
FFK:sac:jm

In 9-5-13

By Noon

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

gender

1 AN ACT *to repeal* 118.40 (2) (b) 1. and 2., 118.40 (2r) (b) 1. c., 118.40 (2r) (b) 3.,
2 118.40 (2r) (c) 1., 118.40 (2r) (c) 3., 118.40 (2r) (cm) and 118.40 (6); *to renumber*
3 *and amend* 118.40 (2) (b) (intro.), 118.40 (2r) (bm) and 118.40 (2r) (c) 4.; *to*
4 *amend* 20.923 (6) (m), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c),
5 115.415 (3) (a) (intro.), 118.40 (2) (a), 118.40 (2m) (am), 118.40 (2m) (b), 118.40
6 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2., 118.40 (7) (am) 2., 230.08 (2)
7 (dm) and 230.35 (1s); *to repeal and recreate* 20.923 (6) (m) and 111.815 (1);
8 and *to create* 118.19 (15), 118.40 (2r) (b) 1. cm., 118.40 (2r) (bm) 4. and 118.40
9 (3) (f) of the statutes; **relating to:** authorizing independent charter schools,
10 ^{replicating charter schools, and} utilizing an alternative process for educator effectiveness, and requirements
11 ^A for a charter school teaching license.

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

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

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

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9 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

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

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

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

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

18 111.815 (1) In the furtherance of this subchapter, the state shall be considered
19 as a single employer and employment relations policies and practices throughout the
20 state service shall be as consistent as practicable. The office shall negotiate and
21 administer collective bargaining agreements. To coordinate the employer position
22 in the negotiation of agreements, the office shall maintain close liaison with the
23 legislature relative to the negotiation of agreements and the fiscal ramifications of

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

10 **SECTION 5.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and
11 2013 Wisconsin Act ... (this act), is repealed and recreated to read:

12 ^B
11. 815 (1) In the furtherance of this subchapter, the state shall be considered as a
13 single employer and employment relations policies and practices throughout the
14 state service shall be as consistent as practicable. The office shall negotiate and
15 administer collective bargaining agreements. To coordinate the employer position
16 in the negotiation of agreements, the office shall maintain close liaison with the
17 legislature relative to the negotiation of agreements and the fiscal ramifications of
18 those agreements. Except with respect to the collective bargaining unit specified in
19 s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the
20 executive branch under this subchapter, and shall coordinate its collective
21 bargaining activities with operating state agencies on matters of agency concern.
22 The legislative branch shall act upon those portions of tentative agreements
23 negotiated by the office that require legislative action. With respect to the collective
24 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
25 of Wisconsin System is responsible for the employer functions under this subchapter.

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

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

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

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

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

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

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

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

7 **SECTION 9.** 118.19 (15) of the statutes is created to read:

8 118.19 (15) The department may not issue a charter school teaching license
9 unless the applicant has passed the Praxis I and the Praxis II for the subject area
10 that the applicant will be authorized to teach under the license or equivalent exams
11 approved by the department.

****NOTE: It is my understanding that the Praxis II is 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?

12 **SECTION 10.** 118.40 (2) (a) of the statutes is amended to read:

13 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the
14 school board shall hold a public hearing on the petition. At the hearing, the school
15 board shall consider the level of ~~employee and~~ parental support for the establishment
16 of the charter school described in the petition ~~and the fiscal impact of the~~
17 ~~establishment of the charter school on the school district.~~ After the hearing, the
18 school board may grant the petition.

FW
5-18

19 **SECTION 11.** 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b)
20 and amended to read:

21 118.40 (2) (b) A school board may grant a petition that would result in the
22 conversion of all of the public schools in the school district to charter schools ~~if all of~~
23 ~~the following apply:~~

1 SECTION 12. 118.40 (2) (b) 1. ~~and 2~~ of the statutes ~~are~~^{§ 15} repealed.

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

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

***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.

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

11 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that
12 would result in the conversion of all of the public schools in the school district to
13 charter schools ~~unless the school board complies with sub. (2) (b) 2~~ Ins 6-13

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

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

***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?

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

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

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

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

No Strike 7

No Strike

Ins 6-16

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

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

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

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

13 **SECTION 21.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
14 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

15 118.40 (2r) (bm) 1. The common council of the city of Milwaukee ~~and the~~
16 ~~Milwaukee area technical college district board~~ may only establish or enter into a
17 contract for the establishment of a charter school located ~~only~~ in the school district
18 operating under ch. 119.

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

24

3 ^{4.} A technical college district board may only establish or enter into a contract
25 for the establishment of a charter school located ~~in a unified school district~~ that is

1 located in the county in which the University of Wisconsin-Parkside is situated
2 technical college district or in an adjacent county.

INS
8-2

3 SECTION 22. 118.40 (2r) (bm) ⁴ of the statutes is created to read:

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

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

8 SECTION 24. 118.40 (2r) (c) 3. of the statutes is repealed.

9 SECTION 25. 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act
10 20, is renumbered 118.40 (2r) (c) and amended to read:

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

14 SECTION 26. 118.40 (2r) (cm) of the statutes is repealed.

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

INS 8-16

16 118.40 (3) (f) 1. ^{Subject to subd. 4. a} A school board or entity under sub. (2r) (b) that has contracted

17 with a person to operate a charter school shall, upon receiving an application ^{a letter of intent} under

18 subd. ³ from the person, amend the existing contract or enter into a new contract

19 with the person to allow the person to operate ^{one or more} an additional charter school ^{if} in the

20 2 school years preceding the application, the percentage of pupils receiving a score

21 of advanced or proficient on the most recent state assessment in math and reading

22 for all tested grades in each of the applicant's existing charter schools in this state

23 exceeds the percentage of pupils in the same grades receiving a score of advanced or

24 proficient on the the most recent state assessment in math and reading in the school

25 district where the additional charter school will be located by more than 10 percent.

INS
8-19

1 A school board or entity under sub. (2r) (b) may not authorize an applicant to operate
2 ~~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?

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 ^{each} ~~the~~ ^{each} additional charter school.

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

8 b. The general location of ^{each} ~~the~~ additional charter school.

9 c. A description of any potential facility that may be used by ^{each} ~~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 ^{class.} 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 **SECTION 28.** 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?

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

17 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
18 school located in the school district operating under ch. 119 that is converted to a
19 charter school is not an instrumentality of any school district and no school board
20 may employ any personnel for the charter school. If the chancellor of the an
21 institution within the University of Wisconsin-Parkside Wisconsin System

or the dean of a college campus

IAS
9-11

1 contracts for the establishment of a charter school under sub. (2r), the board of
2 regents of the University of Wisconsin System may employ instructional staff for the
3 charter school. If a technical college district board contracts for the establishment
4 of a charter school under sub. (2r), the technical college district board may employ
5 instructional staff for the charter school. *Ins 10-5*

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

This draft allows the board of regents to employ instructional staff for a charter school established by a dean of a 2-year campus. okay?

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

7 230.08 (2) (dm) Instructional staff employed by the board of regents of the
8 University of Wisconsin System who provide services for a charter school established
9 by contract under s. 118.40 (2r) (cm), 2011 stats.

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

11 230.35 (1s) Annual leave of absence with pay for instructional staff employed
12 by the board of regents of the University of Wisconsin System who provide services
13 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
14 shall be determined by the governing board of the charter school established by
15 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the
16 University of Wisconsin-Parkside.

17 **SECTION 32. Initial applicability.**

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

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

**2013–2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs100/P2ins
FFK:.....

Ins 5–18

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

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

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.

End Ins 5–18

INS 6–13

8 if the school board provides alternative public school attendance arrangements
9 for pupils who do not wish to attend or are not admitted to a charter school

END INS 6–13

INS. 6–16

10 **SECTION 2.** 118.40 (2r) (b) 1. bn. of the statutes is created to read:
11 118.40 (2r) (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college
12 campus within the University of Wisconsin System.

END INS. 6–16

INS 8–2

13 **SECTION 3.** 118.40 (2r) (bm) 3. of the statutes is created to read:
14 118.40 (2r) (bm) 3. The dean of a college campus within the University of
15 Wisconsin System may only establish or enter into a contract for the establishment

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

END INS 8-2

INS 8-16

3 In this paragraph, "a proven track record of success" means, during the 2
4 immediately preceding school years, a person operated a charter school in which the
5 percentage of pupils attending the charter school who received a score of advanced
6 or proficient on the state assessments for math and reading under ss. 118.30 (1r) and
7 121.02 (1) (r) in all tested grades is at least 10 percentage points greater than the
8 percentage of pupils attending public schools, other than charter schools, in the
9 school district where the person proposes to operate an additional charter school who
10 receive the same scores in the same grades.

***NOTE: This provision requires a comparison between pupils attending one
charter school and pupils attending "traditional" public schools in the school district. Is
this consistent with your intent?

*where the
new
charter
will be
located*

11 2.
↑

END INS 8-16

INS 8-19

12 the person has a proven track record of success operating a charter school under
13 a contract with the school board or entity.

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

END INS 8-19

INS 9-11

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

2 4. A school board or entity under sub. (2r) (b) is not required to authorize a
3 person to operate more than 2 additional charter schools per school year under this
4 paragraph. This subdivision does not prohibit a school board or entity under sub. (2r)
5 (b) from agreeing to allow a person to operate more than 2 additional charter schools
6 per school year under this paragraph.

7 5. An additional charter school operated under this paragraph is not a satellite
8 or subsidiary of the charter school for which the operator was required to
9 demonstrate a proven track record of success in order to qualify under subd. 2. and
10 is considered an individual school for funding purposes.

****NOTE: I am not sure that this subdivision achieves your stated intent. First,
the draft cannot change federal law. This will only affect federal funding purposes if the
federal law relies on state law for what constitutes an individual school. Second, a private
foundation can likely use whatever criteria it determines for awarding private grants.
This language does not require a private foundation to treat a charter school established
under this paragraph in any particular manner.

END INS 9-11

INS 10-5

no q

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

END INS 10-5

Knepp, Fern

From: Bennett, Gary
Sent: Wednesday, September 11, 2013 5:01 PM
To: Knepp, Fern
Subject: RE:

Fern,

1. Open enroll

So long as students can open enroll into any charter without limitation, capacity aside. I am fine with the draft. The goal is to prevent geographic barriers from precluding access to seats at charters.

2. Comparison

Is the requested change to compare a charter school to the school district where the charter that is being used for comparative purpose is located?

Yes. The basis is the existing charter school versus the existing public school district that "surrounds" the charter.

For example.

Imagine UW Madison was an authorizer and had authorized Madison Prep.

Now imagine Nuestro Mundo was also authorized by UW Madison and wanted to replicate.

Assume Nuestro tested 100 students from grades 3, 4, & 5.

The base score would be the "10,000" MMSD 3, 4, & 5 graders who tested because they are the students from the district that surrounds NM.

Madison Prep would be excluded because it is not part of MMSD and thus they wouldn't have the data.

From how it was explained to us, charters authorized by the district would be reported in district data. We would not want to exclude them as we do not want to discentivize innovation within districts.

From: Knepp, Fern
Sent: Wednesday, September 11, 2013 4:44 PM
To: Bennett, Gary
Subject: RE:

Gary-

I have some questions about the redraft instructions. I called your office and there was no answer. I will be in the office tomorrow at 8:00 a.m. What time is Caucus tomorrow?

My 2 main questions are:

1. Under current law, pupils can open enroll into school district charters under s. 118.51. If your intent is to allow pupils to enroll in school district charters without going through open enrollment, how will the funding work? The funding issue is different for (2r) charters because pupils who attend (2r) charters are not included in a school district's membership.
2. I am struggling with what comparison you want to make for purposes of having a proven track record of success. The draft currently compares students in a charter to students in public schools, other than charter schools, in the district where the additional charter will be located. If so, is it correct that you want the comparable data for the school district to include test scores for charter schools in that school district?

Thanks,
Fern

Sections 1-7

Can we consolidate the multiple sections into one by saying

Wis. Stats. XXX, XXX, XXX and are amended to limit a reference to XXX to stats 2011. *No*

Section 13 P. 6 L 8-10

Delete the insert and replace with "unless the school board complies with 118.40(2)(b)" *? NO*

Section 26 Line 15

clarity question: does the reference to the subsection limit its applicability to just 2r authorizers? If so, it needs to be redrafted to include district instrumentalities and non-instrumentalities. The goal is that a pupil should be able to attend any charter school in any county.

yes

w/o open enrollment?

fundraising issue

Section 28

clarity question: our intent is that the cumulative number of students in a charter school, not 10% in each tested, aggregate, grade. Does the current draft achieve that objective? Or is it too ambiguous and need to be clarified?

yes

P 8 Line 24

needs to be redrafted to expressly say school district students, not just public schools. The current draft would include public charters authorized by 2(r)'s etc – the comparison is the charter versus the surrounding school district students. *what schools*

page 8 and L1 on page 9

delete the qualification clause "other than charter schools," once the redraft expressly references the surround school district, the qualification is unnecessary *Kids - 15, do*

Lines 1 & 2 on Page 9

Redraft to comply with the following

"in the surrounding school district" or similar

Page 8 line 18

after (2r)(b) delete "is not required to" and replace with shall

Page 8 line 19

insert "no" between "to operate" and "more than 2 additional"

Page 9 line 20-22

delete "This subdivision..." replace with a qualification clause saying

, unless the parties agree to include more than 2.

P 10 L 1-5

it needs to say new campus – federal law defaults to how we treat them/classify them .The presumption is that it is a subsidiary. I am not concerned with private money. It will flow however a foundation says.

Section 29 Note

Yes, the Board of regents sould employ instructional staff for all UW authorized entities, 4 and 2 year.

Clarification: does the board employ UWM and Parksides staff?

From: Bennett, Gary
Sent: Wednesday, September 11, 2013 2:50 PM
To: Knepp, Fern
Subject:

Fern,

The edits are attached. I need it before Caucus tomorrow, and ideally before ed committee at 10AM. Call for clarification if needed.

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0100/P2

FFK:sac:rs

In 9-12

Out by 10:00am

d-note

6 RMR

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

gen cat

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

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

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

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

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

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

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

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

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

18 111.815 (1) In the furtherance of this subchapter, the state shall be considered
19 as a single employer and employment relations policies and practices throughout the
20 state service shall be as consistent as practicable. The office shall negotiate and
21 administer collective bargaining agreements. To coordinate the employer position
22 in the negotiation of agreements, the office shall maintain close liaison with the
23 legislature relative to the negotiation of agreements and the fiscal ramifications of

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

10 **SECTION 5.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and
11 2013 Wisconsin Act (this act), is repealed and recreated to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 118.40 (2m) (am) At least 30 days before entering in a contract under this
24 subsection that would convert a private school to a charter school or that would
25 establish a charter school that is not an instrumentality of the school district, the

1 school board shall hold a public hearing on the contract. At the hearing, the school
2 board shall consider the level of ~~employee and~~ parental support for the establishment
3 of the charter school ~~and the fiscal impact of the establishment of the charter school~~
4 ~~on the school district.~~

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

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

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

12 118.40 (2r) (b) 1. b. The chancellor of ~~the~~ an institution within the University
13 of ~~Wisconsin-Milwaukee~~ Wisconsin System except for the chancellor of the
14 University of Wisconsin colleges.

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

16 118.40 (2r) (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college
17 campus within the University of Wisconsin System.

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

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

20 118.40 (2r) (b) 1. cm. The board of control of a cooperative educational service
21 agency.

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

23 118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

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

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

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

11 **SECTION 21.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
12 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

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

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

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

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

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

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

7 118.40 (2r) (bm) 5. The board of control of a cooperative educational service
8 agency may only establish or enter into a contract for the establishment of a charter
9 school that is located within the boundaries of the agency.

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

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

12 SECTION 26. 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act
13 20, is renumbered 118.40 (2r) (c) and amended to read:

14 118.40 (2r) (c) A pupil who resides in Milwaukee County or in an adjacent
15 county may attend any charter school established under this subsection in
16 Milwaukee County or in an adjacent county.

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

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

19 118.40 (3) (f) 1. In this paragraph, ^{a person has} "a proven track record of success" ^{if,} means,
20 during the 2 immediately preceding school years, a person operated a charter school
21 in which the percentage of pupils attending the charter school who received a score
22 of advanced or proficient on the state assessments for math and reading under ss.

23 118.30 (1r) and 121.02 (1) (r) in all tested grades is at least 10 percentage points
24 greater than the percentage of pupils attending public schools, ^{the rest of the} other than charter

1 schools, in the school district where the person proposes to operate an additional
 2 charter school who receive the same scores in the same grades.

the *is located* *is received* *on the same assessments*

***NOTE: This provision requires a comparison between one charter school and "traditional" public schools in the school district where the new charter school will be located. Is this consistent with your intent?

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

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

- 12 a. The date on which instruction will begin at each additional charter school.
- 13 b. The general location of each additional charter school.
- 14 c. A description of any potential facility that may be used by each additional
- 15 charter school, including the approximate number of pupils that each facility may
- 16 safely accommodate.
- 17 d. Evidence demonstrating that the person has a proven track record of success.

18 4. A school board or entity under sub. (2r) (b) ~~is not required to~~ ^{shall} authorize a
 19 person to operate ^{no} more than 2 additional charter schools per school year under this
 20 paragraph. This subdivision does not prohibit a school board or entity under sub. (2r)
 21 (b) from agreeing to allow a person to operate more than 2 additional charter schools
 22 per school year under this paragraph.

unless the parties agree to more than 2

1
2
3
4

5. An additional charter school ^{authorized} operated under this paragraph is not a satellite or subsidiary ^{campus} of the charter school for which the operator ^{was demonstrated} was required to demonstrate a proven track record of success in order to qualify under subd. 2. and is considered an individual school for funding purposes.

****NOTE: I am not sure that this subdivision achieves your stated intent. First, the draft cannot change federal law. This will only affect federal funding purposes if the federal law relies on state law for what constitutes an individual school. Second, a private foundation can likely use whatever criteria it determines for awarding private grants. This language does not require a private foundation to treat a charter school established under this paragraph in any particular manner.

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

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

****NOTE: This draft allows the board of regents to employ instructional staff for a charter school established by a dean of a 2-year campus. Okay?

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0100/1dn

FFK/.....

SAC

-date-

To Gary Bennett:

1. Sections 1–7 of the draft remain unchanged. Those sections are necessary, in accordance with LRB drafting conventions, to show that the cross-references to s. 118.40 (2r) (cm) refer to s. 118.40 (2r) (cm), 2011 stats., even though that paragraph is repealed under the draft. Additionally, I didn't alter s. 118.40 (2m) (b) as suggested in your instructions because there is nothing to comply with under the consolidated s. 118.40 (2) (b). Under the draft, s. 118.40 (2) (b) authorizes the school board to grant a petition subject to a certain condition.

2. The draft allows a pupil to attend any charter established under s. 118.40 (2r) regardless of location. For charters established under s. 118.40 (2) or (2m), a pupil may enroll in a charter school in a nonresident school district using the open enrollment process under s. 118.51. Section 118.51 (5) lists the specific criteria that the nonresident school district may use in determining whether to accept or deny a pupil's application. Please confirm that the criteria in s. 118.51 for accepting an open enrollment application is consistent with your intent.

3. Under this draft, the comparison for demonstrating a proven track record of success is between the pupils attending a charter school and the pupils attending public schools (including charter schools) in the school district where that charter school is located. Please confirm that this is consistent with your concept of the "surrounding school district."

Fern Knepp
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0100/1dn
FFK:sac:rs

September 12, 2013

To Gary Bennett:

1. Sections 1–7 of the draft remain unchanged. Those sections are necessary, in accordance with LRB drafting conventions, to show that the cross–references to s. 118.40 (2r) (cm) refer to s. 118.40 (2r) (cm), 2011 stats., even though that paragraph is repealed under the draft. Additionally, I didn't alter s. 118.40 (2m) (b) as suggested in your instructions because there is nothing to comply with under the consolidated s. 118.40 (2) (b). Under the draft, s. 118.40 (2) (b) authorizes the school board to grant a petition subject to a certain condition.
2. The draft allows a pupil to attend any charter established under s. 118.40 (2r) regardless of location. For charters established under s. 118.40 (2) or (2m), a pupil may enroll in a charter school in a nonresident school district using the open enrollment process under s. 118.51. Section 118.51 (5) lists the specific criteria that the nonresident school district may use in determining whether to accept or deny a pupil's application. Please confirm that the criteria in s. 118.51 for accepting an open enrollment application is consistent with your intent.
3. Under this draft, the comparison for demonstrating a proven track record of success is between the pupils attending a charter school and the pupils attending public schools (including charter schools) in the school district where that charter school is located. Please confirm that this is consistent with your concept of the “surrounding school district.”

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