

## 2013 DRAFTING REQUEST

### Senate Substitute Amendment (SSA-SB76)

Received: 10/31/2013 Received By: fknepp  
Wanted: As time permits Same as LRB:  
For: Alberta Darling (608) 266-5830 By/Representing: Gary Bennett  
May Contact: Drafter: fknepp  
Subject: Education - charter schools Addl. Drafters:  
Extra Copies: TKK  
PG

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

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Changes to charter school replication process, alternate process for measuring education effectiveness, excluding data for certain virtual charter schools for purpose of school district accountability, and charter school districts

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#### Instructions:

13s0157 and take out criteria for a school board to convert all schools to charters schools

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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 10/31/2013	scalvin 10/31/2013	jfrantze 10/31/2013	_____			
/1				_____	srose 10/31/2013	srose 10/31/2013	

FE Sent For:

**<END>**

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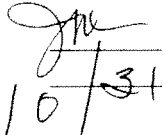
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**Instructions:**

13s0157 and take out criteria for a school board to convert all schools to charters schools

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/?	fknepp	/1 sac 10/31/2013		 10/31			

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE

(Now)

note



LRBs 0157/1  
FFK:sac:  
stay  
RMNR

SENATE SUBSTITUTE AMENDMENT ,  
TO SENATE BILL 76

gen cat

1 AN ACT *to repeal* 118.40 (2) (b) 1.; *to consolidate, renumber and amend*  
2 118.40 (2) (b) (intro.) and 2.; *to amend* 115.415 (3) (a) (intro.) and 118.40 (2m)  
3 (b); and *to create* 115.385 (3) and 118.40 (3) (f) of the statutes; **relating to:**  
4 replicating charter schools, utilizing an alternative process for educator  
5 effectiveness, establishing a charter school district, and school district  
6 accountability.

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

7 SECTION 1. 115.385 (3) of the statutes is created to read:  
8 115.385 (3) For purposes of measuring a school district's performance under  
9 sub. (1), the department may not include data derived from a virtual charter school  
10 that is considered to be located in the school district under s. 118.51 (18) if at least  
11 50 percent of the pupils are attending the virtual charter school under s. 118.51.

1 SECTION 2. 115.415 (3) (a) (intro.) of the statutes is amended to read:

2 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency  
3 process aligned with the evaluation system established under sub. (2) for a school  
4 district, a charter school under contract with a school board that is not an  
5 instrumentality of the school district, or a charter school established under s. 118.40  
6 (2r) seeking to utilize an alternative process for the evaluation of teacher and  
7 principal practice. The process under this subsection shall be based on the criteria  
8 established in the 2011 Interstate Teacher Assessment and Support Consortium and  
9 the 2008 Interstate School Leaders Licensure Consortium Educational Leadership  
10 Policy Standards, and a school district, a charter school under contract with a school  
11 board that is not an instrumentality of the school district, or charter school  
12 established under s. 118.40 (2r) that uses the process under this subsection shall  
13 evaluate the performance of teachers in the following domains:

Ins  
2013

14 SECTION 3. 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 4. 118.40 (2) (b) 1. <sup>and 2.</sup> of the statutes <sup>is</sup> repealed.

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

23 118.40 (2m) (b) A school board may ~~not~~ enter into a contract under par. (a) that  
24 would result in the conversion of all of the public schools in the school district to  
25 charter schools ~~unless the school board complies with sub. (2) (b) 2~~ if the school board

1 provides alternative public school attendance arrangements for pupils who do not  
2 wish to attend or are not admitted to a charter school.

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

4 118.40 (3) (f) 1. In this paragraph, a person has a proven track record of success  
5 if, during each of the 2 immediately preceding school years, a person operated a  
6 charter school in which the total percentage of pupils attending the charter school  
7 who received a score of advanced or proficient on the state assessments for math and  
8 reading under ss. 118.30 and 121.02 (1) (r), or on an alternate assessment for math  
9 or reading under an individualized education program, in all tested grades is at least  
10 10 percentage points greater than the total percentage of pupils attending public  
11 schools operated by the school board that governs the school district in which the  
12 charter school is located who received the same scores on the same assessments in  
13 the same grades.

14 2. Subject to subd. 4., an entity under sub. (2r) (b) 1. a., b., or d. that has  
15 contracted with a person to operate a charter school shall, upon receiving a letter of  
16 intent under subd. 3. from the person, amend the existing contract or enter into a new  
17 contract with the person to authorize the person to operate one or more additional  
18 charter schools if the person has a proven track record of success for each charter  
19 school the person operates in this state.

20 3. To operate an additional charter school under subd. 2., a person must submit  
21 to the entity under sub. (2r) (b) 1. a., b., or d. a letter of intent that includes all of the  
22 following:

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

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

4 d. Evidence demonstrating that the person has a proven track record of success  
5 for each charter school the person operates in this state.

6 4. An entity under sub. (2r) (b) 1. a., b., or d. shall authorize a person to operate  
7 no more than 2 additional charter schools per school year under this paragraph,  
8 unless the parties agree to more than 2.

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

13 **SECTION 7. Initial applicability.**

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

17 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0171/lins  
FFK:.....

INS 2-13

1

2

SECTION 1. 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b) and

3

amended to read:

4

118.40 (2) (b) (intro.) A school board may grant a petition that would result in

5

the conversion of all of the public schools in the school district to charter schools if

6

all of 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.

END INS 2-13

INS 4-12

7

SECTION 2. 118.40 (6) of the statutes is amended to read:

8

118.40 (6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter

9

school without his or her approval, if the pupil is an adult, or the approval of his or

10

her parents or legal guardian, if the pupil is a minor, unless the pupil resides in a

11

school district in which all of the public schools have been converted to charter

12

schools under sub. (2) (b) or (2m) (b).

**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 4-12



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0171/1

FFK:f:....

*SAC*

*- date -*

To Gary Bennett:

Please note that I created an exception in s. 118.40 (6), which provides that a pupil may not be required to attend a charter school without the pupil's approval, for pupils who reside in a school district that has converted all of its traditional public schools to charter schools. I included this provision because this draft eliminates the requirement that, as a condition of converting all public schools to charter schools, a school board provide alternative public attendance arrangements for pupils who do not wish to attend a charter school. Please let me know if the exception is not consistent with your intent.

Fern Knepp  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: fern.knepp@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0171/1  
FFK:sac:jf

October 31, 2013

To Gary Bennett:

Please note that I created an exception in s. 118.40 (6), which provides that a pupil may not be required to attend a charter school without the pupil's approval, for pupils who reside in a school district that has converted all of its traditional public schools to charter schools. I included this provision because this draft eliminates the requirement that, as a condition of converting all public schools to charter schools, a school board provide alternative public attendance arrangements for pupils who do not wish to attend a charter school. Please let me know if the exception is not consistent with your intent.

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