

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/30/2014** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Stritchko**  
May Contact: Drafter: **fknepp**  
Subject: **Education - charter schools** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**  
**tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Stritchko, BB0096 -

---

**Topic:**

Charter school authorizing board

---

**Instructions:**

See attached

---

**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 10/1/2014	evinz 10/2/2014		_____			
/P1	fknepp 1/28/2015		jfrantze 10/3/2014	_____	lparisi 10/3/2014		State S&L
/P2	fknepp	jdyer	jmurphy	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/29/2015	1/28/2015	1/28/2015	_____	1/28/2015		S&L
/P3	fknepp 1/30/2015	jdye 1/29/2015	rschluet 1/29/2015	_____ _____	mbarman 1/29/2015		State S&L
/P4		kfollett 1/30/2015	jmurphy 1/30/2015	_____ _____	srose 1/30/2015		State S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/30/2014** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Stritchko**  
May Contact: Drafter: **fknepp**  
Subject: **Education - charter schools** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**  
**tracy.kuczynski@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Stritchko, BB0096 -

---

**Topic:**

Charter school authorizing board

---

**Instructions:**

See attached

---

**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 10/1/2014	evinz 10/2/2014		_____			
/P1	fknepp 1/28/2015		jfrantze 10/3/2014	_____	lparisi 10/3/2014		State S&L
/P2	fknepp	jdyer 1/30	jmurphy jm	_____	srose 1/30		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/29/2015	1/28/2015	1/28/2015	_____	1/28/2015		S&L
/P3		jdyer	rschluet	_____	mbarman		State
		1/29/2015	1/29/2015	_____	1/29/2015		S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/30/2014** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Stritchko**  
May Contact: Drafter: **fknepp**  
Subject: **Education - charter schools** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**  
**tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Stritchko, BB0096 -

---

**Topic:**

Charter school authorizing board

---

**Instructions:**

See attached

---

**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 10/1/2014	evinz 10/2/2014		_____			
/P1	fknepp 1/28/2015	<i>P3 1/29 jld</i> jfrantze 10/3/2014		_____	lparisi 10/3/2014		State S&L
/P2		jdyer	jmurphy	_____	srose		State

*2/9/15*

Vers. Drafted

Reviewed  
1/28/2015

Typed  
1/28/2015

Proofed  
\_\_\_\_\_

Submitted  
1/28/2015

Jacketed

Required  
S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/30/2014** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Stritchko**  
May Contact: Drafter: **fknepp**  
Subject: **Education - charter schools** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**  
**tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Stritchko, BB0096 -

---

**Topic:**

Charter school authorizing board

---

**Instructions:**

See attached

---

**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 10/1/2014	evinz 10/2/2014		_____			
/P1		<i>P2 1/28 jld</i> jfrantze 10/3/2014		_____	lparisi 10/3/2014		State S&L

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/30/2014** Received By: **fknepp**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Stritchko**  
May Contact: Drafter: **fknepp**  
Subject: **Education - charter schools** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**  
**tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Stritchko, BB0096 -

---

**Topic:**

Charter school authorizing board ✓

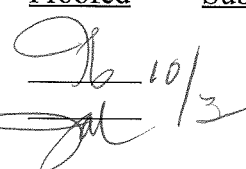
---

**Instructions:**

See attached

---

**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	1/pleev 10/2/14	1/pleev 10/2/14		10/3		

FE Sent For:

<END>



**Knepp, Fern**

---

**From:** Hanaman, Cathlene  
**Sent:** Tuesday, September 30, 2014 4:23 PM  
**To:** Kuczenski, Tracy; Knepp, Fern  
**Subject:** FW: Statutory Language Drafting Request - BB0096

---

**From:** MeganE.Stritchko@wisconsin.gov [mailto:MeganE.Stritchko@wisconsin.gov]  
**Sent:** Tuesday, September 30, 2014 3:20 PM  
**To:** Hanaman, Cathlene  
**Cc:** Hynek, Sara - DOA; Stritchko, Megan E - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0096

Biennial Budget: 2015-17

DOA Tracking Code: BB0096

Topic: Charter School Authorizing Board

SBO Team: EWD

SBO Analyst: Stritchko, Megan - DOA  
Phone: (608) 266-7329  
E-mail: [MeganE.Stritchko@wisconsin.gov](mailto:MeganE.Stritchko@wisconsin.gov)

Agency Acronym: DPI

Agency Number: 255

Priority: Medium

Intent:

Redraft LRB 1137 from the Governor's 2013-15 budget to create a new charter school authorizing board, which would have responsibility for approving new independent charter school authorizers.

Attachments: False

*Per megan, all of 13-1137  
(10-1-14)*

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1137/P4 - 0333/pt

PG:eev&wlj:rs

FFK:cev: KMKR

2015-296

20-10-1

Stritchko, BB0096OR

SA ✓✓  
xref ✓

DOA:.....Hynek, BB0370 - Charter School Authorizing Board

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

2015-2017

PWF

PK

don't  
gl

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ EDUCATION

✓ PRIMARY AND SECONDARY EDUCATION

Under current law, a school board may enter into a contract with a person to establish a charter school, which operates with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

This bill creates the Charter School Oversight Board (CSOB), attached to DPI, and authorizes it to approve nonprofit, nonsectarian organizations, or consortia of such organizations, to contract with persons to operate independent charter schools. The CSOB consists of the state superintendent of public instruction and ten other members. Of the latter members, two are appointed by the state superintendent, two are appointed by the governor, and six by the leaders in the senate and assembly. The bill prohibits the CSOB from promulgating administrative rules and provides that any policy or standard adopted by the CSOB is exempt from the rule-making process.

For any <sup>charter</sup> school established on or after the bill's effective date, the bill eliminates the authority of the entities specified above, and of any approved nonprofit

Subject to  
certain  
exceptions

organization, to establish an independent charter school directly. Under the bill, a charter school may be established only by contract and must be operated by a charter school governing board, although an existing independent charter school authorizer may continue to operate a charter school itself if the school is established before the effective date of this bill. The bill removes the restrictions that limit who may attend an independent charter school.

A nonprofit, nonsectarian organization or consortium of such organizations that wishes to contract with a charter school governing board to operate a charter school must apply to the CSOB. The application must include a strategic plan for such contracting; a performance framework for use in supervising and evaluating charter schools; an assurance that the organization or consortium will ensure accountability and transparency on the part of the governing boards with which it contracts; a plan, including corrective action strategies, designed to improve a charter school, or close such a school, that fails to meet contractual performance standards; a description of the types of charter schools it is seeking to establish; information on its finances; and a plan for entering into additional contracts in order to replicate successful charter schools. The CSOB must approve or deny an application within 90 days.

The bill provides that the contract between an authorizing entity and the independent charter school's governing board must allow the former to charge the governing board a fee. The contract must also allow the charter school governing board to open additional charter schools if the charter school governed by the contract receives a rating from DPI of "exceeds expectations" or "significantly exceeds expectations." The bill makes this provision applicable to existing contracts with independent charter schools as well.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. The bill allows a school board to prohibit a pupil who resides in the school district from attending an independent charter school unless the school district's enrollment is at least 4,000 and at least two schools in the school district were rated "fails to meet expectations" or "meets few expectations" in DPI's most recent school report.

Current law prohibits a school board from converting all of the public schools in the school district to charter schools unless 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. In addition, a school board may not grant a petition to establish a charter school that would result in the conversion of all the public schools in the school district to charter schools unless at least 50 percent of the teachers employed by the school district sign the petition.

This bill eliminates the conditions on converting all of a school district's public schools to charter schools and explicitly permits a school board to do so.

Current law provides that 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, if the pupil is a minor. This bill provides that this prohibition does not apply if all of a school district's public schools are converted to charter schools.

*Ins Analysis 2A*

*Insert analysis 2B*

The bill requires that a charter school accept pupils at random if the capacity of the school is insufficient to accept all applicants. A charter school must, however, give preference in enrollment to pupils who were enrolled in the school in the previous school year and to siblings of pupils who are enrolled in the school. In addition, the bill allows a charter school to give preference in enrollment to children of the charter school's founders, governing board members, and full-time employees so long as the number of such children given preference constitutes no more than 10 percent of the school's enrollment.

The bill requires each charter school authorizer to submit an annual report to the legislature and DPI that includes the following:

1. An identification of each charter school under contract with it and each charter school that had its contract nonrenewed or revoked or that closed.
2. The academic and financial performance of each charter school.
3. Its operating costs, detailed in an audited financial statement.
4. The services it provided to the charter schools under contract with it.

The bill directs each nonprofit organization or consortium that has been approved by the CSOB to contract with a charter school operator annually to submit an identical report to the CSOB.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 15.07<sup>✓</sup> (2) (c) of the statutes is created to read:

2           15.07 (2) (c) The chairperson of the charter school oversight board shall be  
3 designated by the governor.

4           SECTION 2. 15.375<sup>✓</sup> (1) of the statutes is created to read:

5           15.375 (1) CHARTER SCHOOL OVERSIGHT BOARD. (a) There is created a charter  
6 school oversight board attached to the department of public instruction under s.  
7 15.03<sup>✓</sup>. The board shall consist of the state superintendent of public instruction or his  
8 or her designee and the following members appointed for 3-year terms:

9           1. Two members appointed by the governor, at least one of whom has served on  
10 the governing board of a charter school established under s. 118.40<sup>✓</sup> (2r), has been

1 employed by a charter school established under s. 118.40 (2r), or has served on the  
2 governing body of an entity specified in s. 118.40 (2r) (b) 1.

3 2. a. Two members, who are not legislators, appointed by the senate majority  
4 leader.

5 b. One member, who is not a legislator, appointed by the senate minority leader.

6 c. Two members, who are not legislators, appointed by the speaker of the  
7 assembly.

8 d. One member, who is not a legislator, appointed by the assembly minority  
9 leader.

10 3. Two members, appointed by the state superintendent of public instruction,  
11 who in addition to the qualifications under par. (b) have served on the governing  
12 board of a charter school established under s. 118.40 (2r), have been employed by a  
13 charter school established under s. 118.40 (2r), or have served on the governing body  
14 of an entity specified in s. 118.40 (2r) (b) 1.

15 (b) The appointing authorities under par. (a) shall ensure to the extent feasible  
16 that members appointed to the board are geographically diverse and have experience  
17 and expertise in governing public and nonprofit organizations; in management and  
18 finance; in public school leadership, assessment, and curriculum and instruction;  
19 and in education law; and understand and are committed to the use of charter schools  
20 to strengthen public education.

21 (c) No member of the board appointed under par. (a) may serve more than 2  
22 consecutive terms.

23 (d) The board does not have rule-making authority.

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

1 111.81 (7) (f) Instructional staff employed by the board of regents of the  
2 University of Wisconsin System who provide services for a charter school established  
3 by contract under s. 118.40 (2r) (cm), 2011 stats. <sup>2013 stats</sup>

Ins  
5-3

4 **SECTION 4.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Acts 10  
5 and 32, is amended to read:

6 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
7 as a single employer and employment relations policies and practices throughout the  
8 state service shall be as consistent as practicable. The office shall negotiate and  
9 administer collective bargaining agreements. To coordinate the employer position  
10 in the negotiation of agreements, the office shall maintain close liaison with the  
11 legislature relative to the negotiation of agreements and the fiscal ramifications of  
12 those agreements. Except with respect to the collective bargaining unit specified in  
13 s. 111.825 (1r), and (1t), the office is responsible for the employer functions of the  
14 executive branch under this subchapter, and shall coordinate its collective  
15 bargaining activities with operating state agencies on matters of agency concern.  
16 The legislative branch shall act upon those portions of tentative agreements  
17 negotiated by the office that require legislative action. With respect to the collective  
18 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University  
19 of Wisconsin System is responsible for the employer functions under this subchapter.  
20 With respect to the collective bargaining units specified in s. 111.825 (1t), the  
21 chancellor of the University of Wisconsin-Madison is responsible for the employer  
22 functions under this subchapter. With respect to the collective bargaining unit  
23 specified in s. 111.825 (1r) (ef), the governing board of the charter school established  
24 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
25 functions under this subchapter.

1       **SECTION 5.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin Act  
2       32, is amended to read:

3               111.825 (1r) (ef) Instructional staff employed by the board of regents of the  
4       University of Wisconsin System who provide services for a charter school established  
5       by contract under s. 118.40 (2r) (cm), 2011 stats.

6       **SECTION 6.** 111.825 (2) (f) of the statutes is amended to read:  
7               111.825 (2) (f) 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 7.** 111.92 (1) (c) of the statutes is amended to read:  
11               111.92 (1) (c) Any tentative agreement reached between the governing board  
12       of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
13       acting for the state, and any labor organization representing a collective bargaining  
14       unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor  
15       organization and approval by the chancellor of the University of  
16       Wisconsin-Parkside, be executed by the parties.

17       **SECTION 8.** 115.001 (1) of the statutes is amended to read:  
18               115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract  
19       with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.  
20       118.40 (2r) (b) 1, or a school established and operated by ~~one of the entities~~ an entity  
21       under s. 118.40 (2r) (b) 1. a. to d.

22       **SECTION 9.** 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b) and  
23       amended to read:

*2013*

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

4           **SECTION 10.** 118.40 (2) (b) 1. and 2. of the statutes are repealed.

5           **SECTION 11.** 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.

9           **SECTION 12.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

10           118.40 (2r) (b) 1. (intro.) All Except as provided in subd. 3., any of the following  
11 entities may ~~establish by charter and operate a charter school or, on behalf of their~~  
12 ~~respective entities, may initiate a contract with an individual or group a person to~~  
13 ~~operate a school as a charter school:~~

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

15           118.40 (2r) (b) 1. e. Any nonprofit, nonsectarian organization or consortium of  
16 such organizations approved by the charter school oversight board under par. (bm).

17           **SECTION 14.** 118.40 (2r) (b) 2. of the statutes is renumbered 118.40 (2r) (b) 2.  
18 (intro.) and amended to read:

19           118.40 (2r) (b) 2. (intro.) A charter shall include all of the provisions specified  
20 under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified  
21 under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the  
22 charter school on the liability of the contracting entity under this paragraph. The  
23 contract shall also include all of the following provisions and may include other  
24 provisions agreed to by the parties. ~~The chancellor of the University of~~  
25 ~~Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~



1 ~~or enter into a contract for the establishment of a charter school under this~~  
2 ~~paragraph without the approval of the board of regents of the University of~~  
3 ~~Wisconsin System.:~~

4 SECTION 15. 118.40 (2r) (b) 2. a. to k. of the statutes are created to read:

5 118.40 (2r) (b) 2. a. A requirement that the charter school governing board  
6 adhere to specified annual academic and operational performance standards  
7 developed in accordance with the performance framework of the entity with which  
8 it is contracting.

9 b. Provisions detailing the corrective measures the charter school governing  
10 board will take if the charter school fails to meet performance standards.

11 c. A provision allowing the governing board of a charter school that <sup>is just one</sup> ~~receives a~~  
<sup>of the top 2 performance categories</sup>  
12 rating of "exceeds expectations" or "significantly exceeds expectations" in the most  
13 recent school report published by the department under s. 115.385 to open one or  
14 more additional charter schools. If the charter school governing board opens one or  
15 more additional charter schools, the existing contract applies to the new school or  
16 schools unless the parties agree to amend the existing contract or enter into a new  
17 contract.

\*\*\*\*NOTE: Section 115.385 is created in 2013 LRB-1158.

18 d. The methodology that will be used by the charter school governing board to  
19 monitor and verify pupil enrollment, credit accrual, and course completion.

20 e. A requirement that the entity under subd. 1. have direct access to pupil data.

21 f. A description of the administrative relationship between the parties to the  
22 contract.

23 g. A requirement that the charter school governing board hold parent-teacher  
24 conferences at least annually.

1 h. A requirement that if more than one charter school is operated under the  
2 contract, the charter school governing board reports to the entity under subd. 1. on  
3 each charter school separately.

4 i. A requirement that the charter school governing board provide the data  
5 needed by the entity under subd. 1. for purposes of making the report required under  
6 sub. (3m) (a) 6.

7 j. A requirement that the charter school governing board participate in any  
8 training provided by the entity under subd. 1.

9 k. A description of all fees that the entity under subd. 1. will charge the charter  
10 school governing board.

11 **SECTION 16.** 118.40 (2r) (b) 3. of the statutes is repealed and recreated to read:

12 118.40 (2r) (b) 3. If an entity specified in subd. 1. a. to d. was operating a charter  
13 school itself immediately prior to the effective date of this subdivision ... [LRB  
14 inserts date], it may continue to do so.

15 **SECTION 17.** 118.40 (2r) (bm) of the statutes is repealed and recreated to read:

16 118.40 (2r) (bm) 1. A nonprofit, nonsectarian organization or a consortium of  
17 such organizations that wishes to contract with a charter school governing board to  
18 operate a charter school shall submit an application to the charter school oversight  
19 board. The application shall include all of the following and any other information  
20 requested by the board:

21 a. A strategic plan for contracting with charter school governing boards that  
22 submit high-quality proposals for charter schools that meet identified educational  
23 needs and promote a diversity of educational choices.

24 b. A performance framework for use in supervising and evaluating charter  
25 schools that addresses pupil academic proficiency, growth in pupil academic

1 achievement, gaps in achievement between groups of pupils, pupil attendance, the  
2 readiness of pupils for postsecondary education, the financial proficiency and  
3 sustainability of charter schools, and charter school management.

4 c. An assurance that the organization or consortium will ensure accountability  
5 and transparency on the part of those charter school governing boards with which  
6 it contracts.

7 d. A plan, including corrective action strategies, designed to improve a charter  
8 school under contract with the organization or consortium, or to close such a charter  
9 school, based on contractual performance standards.

10 e. A description of the types of charter schools the organization or consortium  
11 is seeking to establish, and their potential attendance areas.

12 f. Information on the organization's or consortium's finances and other  
13 resources necessary for the charter school oversight board to determine the  
14 applicant's ability to perform its functions under this section.

15 g. A plan for entering into additional contracts in order to replicate successful  
16 charter schools.

17 2. The charter school oversight board shall approve or deny an application  
18 within 90 days of receiving the application.

19 SECTION 18. 118.40 (2r) (c) of the statutes is repealed and recreated to read:

20 118.40 (2r) (c) 1. An entity under par. (b) 1. may contract for the operation of  
21 a charter school located anywhere in this state.

22

5. <sup>e</sup> 4 a. A school board may prohibit a pupil who resides in the school district from  
23 attending a charter school established under this subsection unless the school

24

district's membership, as defined in s. 121.004 (5), is at least 4,000 and <sup>a total of</sup> at least 2

25

public schools in the school district were <sup>in the bottom 2 performance categories</sup> rated "fails to meet expectations" or "meets"

1 few expectations in the most recent school report published by the department  
2 under s. 115.385.

3 b. A pupil who wishes to attend a charter school established under this  
4 subsection and who resides in a school district in which the school board may prohibit  
5 pupils from attending a charter school established under this subsection shall  
6 submit an application to the school board. Within 30 days of receiving the  
7 application, the school board shall issue a decision allowing or prohibiting the pupil  
8 from attending the charter school.

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

10 **SECTION 20.** 118.40 (2r) (f) of the statutes is created to read:

11 118.40 (2r) (f) A charter school established under this subsection is a local  
12 educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as  
13 a local educational agency, and shall comply with all requirements of local  
14 educational agencies, under 20 USC 6301 to 6578.

15 **SECTION 21.** 118.40 (2r) (g) of the statutes is created to read:

16 118.40 (2r) (g) If a charter school established by contract with an entity under  
17 par. (b) 1. a. to d. is in operation on the effective date of this paragraph ... [LRB inserts  
18 date], and the charter school *is in one of the top 2 performance categories* receives a rating of "exceeds expectations" or  
19 "significantly exceeds expectations" in the most recent school report published by the  
20 department under s. 115.385, the person operating the charter school may open one  
21 or more additional charter schools notwithstanding the terms of the existing  
22 contract. All provisions of the existing contract, other than any provision that  
23 conflicts with this paragraph, apply to the new school or schools unless parties agree  
24 to amend the existing contract or enter into a new contract.

1           <sup>✓</sup>**SECTION 22.** 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (a) 3. and  
2 amended to read:

3           118.40 (3m) (a) 3. ~~A school board or an entity under sub. (2r) (b) shall give~~ Give  
4 preference in awarding contracts for the operation of charter schools to those charter  
5 schools that serve children at risk, as defined in s. 118.153 (1) (a).

6           <sup>✓</sup>**SECTION 23.** 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (a) 2. and  
7 amended to read:

8           118.40 (3m) (a) 2. When ~~establishing or~~ contracting for the establishment of  
9 a charter school under this section, ~~a school board or entity specified under sub. (2r)~~  
10 ~~(b) shall consider~~ adhere to the principles and standards for quality charter schools  
11 established by the National Association of Charter School Authorizers.

12           <sup>✓</sup>**SECTION 24.** 118.40 (3) (f) of the statutes is <sup>✓</sup>created to read:

13           118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may  
14 provide for the establishment of more than one charter school, and a charter school  
15 governing board may enter into more than one contract with a school board or entity  
16 under sub. (2r) (b).

17           <sup>✓</sup>**SECTION 25.** 118.40 (3) (g) of the statutes is <sup>✓</sup>created to read:

18           118.40 (3) (g) 1. Except as provided in subds. <sup>✓</sup>2. and <sup>✓</sup>3. and sub. (4) (ar) 1., a  
19 contract with a school board or an entity under sub. (2r) (b) shall require that if the  
20 capacity of the charter school is insufficient to accept all pupils who apply, the charter  
21 school shall accept pupils at random.

22           2. A charter school shall give preference in enrollment to pupils who were  
23 enrolled in the charter school in the previous school year and to siblings of pupils who  
24 are enrolled in the charter school.

1           3. A charter school may give preference in enrollment to the children of the  
2 charter school's founders, governing board members, and full-time employees, but  
3 the total number of such children given preference may constitute no more than 10  
4 percent of the charter school's total enrollment.

5           **SECTION 26.** 118.40 (3m) (title) and (a) (intro.) of the statutes are created to  
6 read:

7           118.40 (3m) (title) AUTHORIZING ENTITY DUTIES. (a) (intro.) A school board or  
8 entity under sub. (2r) (b) shall do all of the following:

9           **SECTION 27.** 118.40 (3m) (a) 1. and 4. to 6. of the statutes are created to read:

10           118.40 (3m) (a) 1. Solicit and evaluate charter school applications.

11           4. Approve only high-quality charter school applications that meet identified  
12 educational needs and promote a diversity of educational choices.

13           5. In accordance with the terms of each charter school contract, monitor the  
14 performance and compliance with this section of each charter school with which it  
15 contracts.

16           6. Annually, submit to the state superintendent and to the legislature under  
17 s. 13.172 (2) a report that includes all of the following:

18           a. An identification of each charter school operating under contract with it,  
19 each charter school that operated under a contract with it but had its contract  
20 nonrenewed or revoked or that closed, and each charter school under contract with  
21 it that has not yet begun to operate.

22           b. The academic and financial performance of each charter school operated  
23 under contract with it.

1 c. The operating costs of the school board or entity under sub. (2r) (b) incurred  
2 under subs. 1. to 5., detailed in an audited financial statement prepared in  
3 accordance with generally accepted accounting principles.

4 d. The services the school board or entity under sub. (2r) (b) has provided to the  
5 charter schools under contract with it and an itemized accounting of the cost of the  
6 services.

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

8 118.40 (3m) (b) An organization or consortium approved by the charter school  
9 oversight board under sub. (2r) (bm) annually shall submit a report to the charter  
10 school oversight board that includes all the information specified in par. (a) 6.

11 **SECTION 29.** 118.40 (4) (title) of the statutes is amended to read:

12 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND  
13 RESTRICTIONS.

14 **SECTION 30.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and  
15 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

16 118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of  
17 the following:

18 **SECTION 31.** 118.40 (4) (ag) of the statutes is created to read:

19 118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a  
20 governing board that is a party to the contract with the authorizing entity. No more  
21 than a minority of the governing board's members may be employees of the charter  
22 school or employees or officers of the school district in which the charter school is  
23 located.

24 **SECTION 32.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

1           118.40 (4) (b) *Restrictions*. (intro.) A charter school governing board may not  
2 do any of the following:

3           **SECTION 33.** 118.40<sup>X</sup> (4) (b) 2. of the statutes is amended to read:

4           118.40 (4) (b) 2. Except as provided in ~~par. (e)~~<sup>✓</sup> sub. (3) (h)<sup>✓</sup>, discriminate in  
5 admission or deny participation in any program or activity on the basis of a person's  
6 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,  
7 sexual orientation or physical, mental, emotional or learning disability.

8           **SECTION 34.** 118.40<sup>X</sup> (4) (c) of the statutes is renumbered 118.40 (3) (h) and  
9 amended to read:

10           118.40 (3) (h) ~~*Single-sex schools and courses*~~. A school board ~~may enter into~~  
11 ~~a contract for~~, and an entity under sub. (2r) ~~may establish or enter into a contract for~~,  
12 ~~the establishment of~~ establish a charter school that enrolls only one sex or that  
13 provides one or more courses that enroll only one sex if the school board or entity  
14 under sub. (2r) makes available to the opposite sex, under the same policies and  
15 criteria of admission, schools or courses that are comparable to each such school or  
16 course.

17           **SECTION 35.** 118.40<sup>✓</sup> (4) (d) of the statutes is <sup>✓</sup>created to read:

18           118.40 (4) (d) *Powers*. Subject to the terms of its contract, a charter school  
19 governing board has all the powers necessary to carry out the terms of its contract,  
20 including <sup>all of</sup> the following:

- 21           1. To receive and disburse funds for school purposes.
- 22           2. To secure appropriate insurance.
- 23           3. To enter into contracts, including contracts with a University of Wisconsin  
24 institution or college campus, technical college district board, or private college or



1 university, for technical or financial assistance, academic support, curriculum  
2 review, or other services.

3 4. To incur debt in reasonable anticipation of the receipt of funds.

4 5. To pledge, assign, or encumber its assets to be used as collateral for loans or  
5 extensions of credit.

6 6. To solicit and accept gifts or grants for school purposes.

7 7. To acquire real property for its use.

8 8. To sue and be sued in its own name.

9 **SECTION 36.** 118.40 (6) of the statutes is amended to read:

10 118.40 (6) PROGRAM VOLUNTARY. No Unless all of the public schools in a school  
11 district have been converted to charter schools under sub. (2) (b) or (2m) (b), no pupil  
12 may be required to attend a charter school without his or her approval, if the pupil  
13 is an adult, or the approval of his or her ~~parents~~ parent or legal guardian, if the pupil  
14 is a minor.

15 **SECTION 37.** 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ag).

16 **SECTION 38.** 118.51 (1) (ad) of the statutes is created to read:

17 118.51 (1) (ad) "Charter school" excludes a school under contract with an entity  
18 under s. 118.40 (2r) (b).

19 **SECTION 39.** 227.01 (13) (sm) of the statutes is created to read:

20 227.01 (13) (sm) Is a standard or statement of policy adopted by the charter  
21 school oversight board.

22 **SECTION 40.** 230.35 (1s) of the statutes is amended to read:

23 230.35 (1s) Annual leave of absence with pay for instructional staff employed  
24 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., 2013

1 shall be determined by the governing board of the charter school established by  
2 contract under s. 118.40 (2r) (cm), ~~2011~~<sup>2013</sup> stats., as approved by the chancellor of the  
3 University of Wisconsin–Parkside.

4 **SECTION 9134. Nonstatutory provisions; Public Instruction.**

5 (1) CHARTER SCHOOL OVERSIGHT BOARD. Notwithstanding section 15.375 (1) of the  
6 statutes, as created by this act, the initial members appointed to the charter school  
7 oversight board under section 15.375 (1) (a) of the statutes, as created by this act,  
8 shall be appointed as follows:

9 (a) One member under section 15.375 (1) (a) 1. of the statutes, as created by this  
10 act, shall be appointed for a term expiring on May 1, ~~2016~~<sup>2018</sup>, and one member shall be  
11 appointed for a term expiring on May 1, ~~2017~~<sup>2019</sup>.

12 (b) One member under section 15.375 (1) (a) 2. a. of the statutes, as created by  
13 this act, shall be appointed for a term expiring on May 1, ~~2015~~<sup>2017</sup>, and one member shall  
14 be appointed for a term expiring on May 1, ~~2017~~<sup>2019</sup>.

15 (c) The member under section 15.375 (1) (a) 2. b. of the statutes, as created by  
16 this act, shall be appointed for a term expiring on May 1, ~~2016~~<sup>2018</sup>.

17 (d) One member under section 15.375 (1) (a) 2. c. of the statutes, as created by  
18 this act, shall be appointed for a term expiring on May 1, ~~2015~~<sup>2017</sup>, and one member shall  
19 be appointed for a term expiring on May 1, ~~2017~~<sup>2019</sup>.

20 (e) The member under section 15.375 (1) (a) 2. d. of the statutes, as created by  
21 this act, shall be appointed for a term expiring on May 1, ~~2018~~<sup>2020</sup>.

22 (f) One member under section 15.375 (1) (a) 3. of the statutes, as created by this  
23 act, shall be appointed for a term expiring on May 1, ~~2016~~<sup>2018</sup>, and one member shall be  
24 appointed for a term expiring on May 1, ~~2018~~<sup>2020</sup>.

25 **SECTION 9334. Initial applicability; Public Instruction.**

1 (1) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (2r) (b) 2. and  
2 (c), (3) (e) and (g), and (4) (d) of the statutes first applies to a contract for the  
3 establishment of a charter school that is entered into, renewed, or modified on the  
4 effective date of this subsection.

5 **SECTION 9434. Effective dates; Public Instruction.**

6 (1) CHARTER SCHOOL GOVERNING BOARD. The treatment of section 118.40 (4) (ag)  
7 of the statutes takes effect on September 1, 2013. 2015

8 (END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P1ins  
FFK:.....

INSERT ANALYSIS 2A

✓ in DPI's most recent school accountability report, DPI placed the charter school governed by the contract in one of the top two performance categories, which are currently known as "exceeds expectations" and "significantly exceeds expectations."

END INSERT ANALYSIS 2A

INSERT ANALYSIS 2B

✓ in one of the bottom two performance categories, which are currently known as "meets few expectations" and "fails to meet expectations."

END INSERT ANALYSIS 2B

INS 5-3

✓ SECTION 1. 111.815 (1) of the statutes, as affected by 2013 Wisconsin Act 166, is amended to read:

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

Action  
phrase  
OK  
per  
JLD

by contract under s. 118.40 (2r) (cm) is responsible for the employer 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 2013 Wis. Act 166 effective 7-1-15 to read: NOTE:

(1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., 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; 2013 a. 20 ss. 2365m, 9448; 2013 a. 166.

**SECTION 2.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin Act 32 and 2013 Wisconsin Act 20, is amended to read:

111.825 (1r) (ef) 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), 2013 stats.

NOTE: NOTE: Par. (ef) is shown as renumbered from sub. (2) (f) eff. 7-1-15 by 2011 Wis. Act 32, as affected by 2013 Wis. Act 20, ss. 2365m and 9448. NOTE:

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; 2013 a. 20 ss. 2365m, 9448; 2013 a. 166.

**END INS 5-3**

per  
SLD

## **Knepp, Fern**

---

**From:** Stritchko, Megan E - DOA <MeganE.Stritchko@wisconsin.gov>  
**Sent:** Wednesday, January 28, 2015 2:41 PM  
**To:** Knepp, Fern  
**Subject:** Charter Schools - LRB 0333

Hi Fern,

I'm so sorry – I just tried to call you. In re-reviewing this draft on the charter school oversight board (0333) and I think we want to confine the draft to the charter schools authorized under 2r - it looks like there's some language in here that relates to charter schools under contract with a school board. Your summary for the draft (bottom page 3, top of page 3) states that the bill eliminates the conditions on converting all of a school district's public schools to charter school and explicitly permits a school board to do so and provides that a pupil may be required to attend a charter school if all of a district's public schools are converted to charter schools. I think these are addressed on page 6 of the draft.

I'm sorry for the confusion. Please call me with any questions.

Megan

**Megan Stritchko**  
Executive Policy and Budget Analyst  
Wisconsin Department of Administration  
(608) 266-7329



State of Wisconsin  
2015 - 2016 LEGISLATURE

NOW

LRB-0333/P1

FFK:eev:jf

1/P2  
L + jld

DOA:.....Stritchko, BB0096 - Charter school authorizing board

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

don't gen

1 AN ACT ...; relating to: the budget.

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

**PRIMARY AND SECONDARY EDUCATION**

Under current law, a school board may enter into a contract with a person to establish a charter school, which operates with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. Subject to certain exceptions, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

This bill creates the Charter School Oversight Board (CSOB), attached to DPI, and authorizes it to approve nonprofit, nonsectarian organizations, or consortia of such organizations, to contract with persons to operate independent charter schools. The CSOB consists of the state superintendent of public instruction and ten other members. Of the latter members, two are appointed by the state superintendent, two are appointed by the governor, and six by the leaders in the senate and assembly. The bill prohibits the CSOB from promulgating administrative rules and provides that any policy or standard adopted by the CSOB is exempt from the rule-making process.

For any charter school established on or after the bill's effective date, the bill eliminates the authority of the entities specified above, and of any approved

nonprofit organization, to establish an independent charter school directly. Under the bill, a charter school may be established only by contract and must be operated by a charter school governing board, although an existing independent charter school authorizer may continue to operate a charter school itself if the school is established before the effective date of this bill. The bill removes the restrictions that limit who may attend an independent charter school.

A nonprofit, nonsectarian organization or consortium of such organizations that wishes to contract with a charter school governing board to operate a charter school must apply to the CSOB. The application must include a strategic plan for such contracting; a performance framework for use in supervising and evaluating charter schools; an assurance that the organization or consortium will ensure accountability and transparency on the part of the governing boards with which it contracts; a plan, including corrective action strategies, designed to improve a charter school, or close such a school, that fails to meet contractual performance standards; a description of the types of charter schools it is seeking to establish; information on its finances; and a plan for entering into additional contracts in order to replicate successful charter schools. The CSOB must approve or deny an application within 90 days.

The bill provides that the contract between an authorizing entity and the independent charter school's governing board must allow the former to charge the governing board a fee. The contract must also allow the charter school governing board to open additional charter schools if in DPI's most recent school accountability report, DPI placed the charter school governed by the contract in one of the top two performance categories, which are currently known as "exceeds expectations" and "significantly exceeds expectations." The bill makes this provision applicable to existing contracts with independent charter schools as well.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. The bill allows a school board to prohibit a pupil who resides in the school district from attending an independent charter school unless the school district's enrollment is at least 4,000 and at least two schools in the school district were in one of the bottom two performance categories, which are currently known as "meets few expectations" and "fails to meet expectations" in DPI's most recent school report.

Current law prohibits a school board from converting all of the public schools in the school district to charter schools unless 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. In addition, a school board may not grant a petition to establish a charter school that would result in the conversion of all the public schools in the school district to charter schools unless at least 50 percent of the teachers employed by the school district sign the petition.

This bill eliminates the conditions on converting all of a school district's public schools to charter schools and explicitly permits a school board to do so.

Current law provides that 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, if the pupil is a minor. This bill provides that this prohibition does not apply if all of a school district's public schools are converted to charter schools.

The bill requires that a charter school accept pupils at random if the capacity of the school is insufficient to accept all applicants. A charter school must, however, give preference in enrollment to pupils who were enrolled in the school in the previous school year and to siblings of pupils who are enrolled in the school. In addition, the bill allows a charter school to give preference in enrollment to children of the charter school's founders, governing board members, and full-time employees so long as the number of such children given preference constitutes no more than 10 percent of the school's enrollment.

The bill requires each charter school authorizer to submit an annual report to the legislature and DPI that includes the following:

1. An identification of each charter school under contract with it and each charter school that had its contract nonrenewed or revoked or that closed.
2. The academic and financial performance of each charter school.
3. Its operating costs, detailed in an audited financial statement.
4. The services it provided to the charter schools under contract with it.

The bill directs each nonprofit organization or consortium that has been approved by the CSOB to contract with a charter school operator annually to submit an identical report to the CSOB.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 15.07 (2) (c) of the statutes is created to read:

2           15.07 (2) (c) The chairperson of the charter school oversight board shall be  
3 designated by the governor.

4           **SECTION 2.** 15.375 (1) of the statutes is created to read:

5           15.375 (1) CHARTER SCHOOL OVERSIGHT BOARD. (a) There is created a charter  
6 school oversight board attached to the department of public instruction under s.  
7 15.03. The board shall consist of the state superintendent of public instruction or his  
8 or her designee and the following members appointed for 3-year terms:

9           1. Two members appointed by the governor, at least one of whom has served on  
10 the governing board of a charter school established under s. 118.40 (2r), has been

1 employed by a charter school established under s. 118.40 (2r), or has served on the  
2 governing body of an entity specified in s. 118.40 (2r) (b) 1.

3 2. a. Two members, who are not legislators, appointed by the senate majority  
4 leader.

5 b. One member, who is not a legislator, appointed by the senate minority leader.

6 c. Two members, who are not legislators, appointed by the speaker of the  
7 assembly.

8 d. One member, who is not a legislator, appointed by the assembly minority  
9 leader.

10 3. Two members, appointed by the state superintendent of public instruction,  
11 who in addition to the qualifications under par. (b) have served on the governing  
12 board of a charter school established under s. 118.40 (2r), have been employed by a  
13 charter school established under s. 118.40 (2r), or have served on the governing body  
14 of an entity specified in s. 118.40 (2r) (b) 1.

15 (b) The appointing authorities under par. (a) shall ensure to the extent feasible  
16 that members appointed to the board are geographically diverse and have experience  
17 and expertise in governing public and nonprofit organizations; in management and  
18 finance; in public school leadership, assessment, and curriculum and instruction;  
19 and in education law; and understand and are committed to the use of charter schools  
20 to strengthen public education.

21 (c) No member of the board appointed under par. (a) may serve more than 2  
22 consecutive terms.

23 (d) The board does not have rule-making authority.

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

1           **SECTION 5.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin Act  
2 32, is amended to read:

3           111.825 (1r) (ef) Instructional staff employed by the board of regents of the  
4 University of Wisconsin System who provide services for a charter school established  
5 by contract under s. 118.40 (2r) (cm), 2013 stats.

6           **SECTION 6.** 111.92 (1) (c) of the statutes is amended to read:

7           111.92 (1) (c) Any tentative agreement reached between the governing board  
8 of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,  
9 acting for the state, and any labor organization representing a collective bargaining  
10 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor  
11 organization and approval by the chancellor of the University of  
12 Wisconsin–Parkside, be executed by the parties.

13           **SECTION 7.** 115.001 (1) of the statutes is amended to read:

14           115.001 (1) CHARTER SCHOOL. “Charter school” means a school under contract  
15 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.  
16 118.40 (2r) (b) 1., or a school established and operated by ~~one of the entities~~ an entity  
17 under s. 118.40 (2r) (b) 1. a. to d.

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

20           ~~118.40 (2) (b) A school board may grant a petition that would result in the  
21 conversion of all of the public schools in the school district to charter schools if all of  
22 the following apply:~~

23           ~~**SECTION 9.** 118.40 (2) (b) 1. and 2. of the statutes are repealed.~~

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

1 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that  
2 would result in the conversion of all of the public schools in the school district to  
3 charter schools unless the school board complies with sub. (2) (b) 2.

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

5 118.40 (2r) (b) 1. (intro.) All Except as provided in subd. 3., any of the following  
6 entities may establish by charter and operate a charter school or, on behalf of their  
7 respective entities, may initiate a contract with an individual or group a person to  
8 operate a school as a charter school:

9 SECTION 12. 118.40 (2r) (b) 1. e. of the statutes is created to read:

10 118.40 (2r) (b) 1. e. Any nonprofit, nonsectarian organization or consortium of  
11 such organizations approved by the charter school oversight board under par. (bm).

12 SECTION 13. 118.40 (2r) (b) 2. of the statutes is renumbered 118.40 (2r) (b) 2.  
13 (intro.) and amended to read:

14 118.40 (2r) (b) 2. (intro.) A charter shall include all of the provisions specified  
15 under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified  
16 under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the  
17 charter school on the liability of the contracting entity under this paragraph. The  
18 contract shall also include all of the following provisions and may include other  
19 provisions agreed to by the parties. ~~The chancellor of the University of~~  
20 ~~Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~  
21 ~~or enter into a contract for the establishment of a charter school under this~~  
22 ~~paragraph without the approval of the board of regents of the University of~~  
23 ~~Wisconsin System.;~~

24 SECTION 14. 118.40 (2r) (b) 2. a. to k. of the statutes are created to read:

1           118.40 (2r) (b) 2. a. A requirement that the charter school governing board  
2 adhere to specified annual academic and operational performance standards  
3 developed in accordance with the performance framework of the entity with which  
4 it is contracting.

5           b. Provisions detailing the corrective measures the charter school governing  
6 board will take if the charter school fails to meet performance standards.

7           c. A provision allowing the governing board of a charter school that is in one  
8 of the top 2 performance categories in the most recent school report published by the  
9 department under s. 115.385 to open one or more additional charter schools. If the  
10 charter school governing board opens one or more additional charter schools, the  
11 existing contract applies to the new school or schools unless the parties agree to  
12 amend the existing contract or enter into a new contract.

13           d. The methodology that will be used by the charter school governing board to  
14 monitor and verify pupil enrollment, credit accrual, and course completion.

15           e. A requirement that the entity under subd. 1. have direct access to pupil data.

16           f. A description of the administrative relationship between the parties to the  
17 contract.

18           g. A requirement that the charter school governing board hold parent-teacher  
19 conferences at least annually.

20           h. A requirement that if more than one charter school is operated under the  
21 contract, the charter school governing board reports to the entity under subd. 1. on  
22 each charter school separately.

23           i. A requirement that the charter school governing board provide the data  
24 needed by the entity under subd. 1. for purposes of making the report required under  
25 sub. (3m) (a) 6.

1           j. A requirement that the charter school governing board participate in any  
2 training provided by the entity under subd. 1.

3           k. A description of all fees that the entity under subd. 1. will charge the charter  
4 school governing board.

5           **SECTION 15.** 118.40 (2r) (b) 3. of the statutes is repealed and recreated to read:

6           118.40 (2r) (b) 3. If an entity specified in subd. 1. a. to d. was operating a charter  
7 school itself immediately prior to the effective date of this subdivision .... [LRB  
8 inserts date], it may continue to do so.

9           **SECTION 16.** 118.40 (2r) (bm) of the statutes is repealed and recreated to read:

10           118.40 (2r) (bm) 1. A nonprofit, nonsectarian organization or a consortium of  
11 such organizations that wishes to contract with a charter school governing board to  
12 operate a charter school shall submit an application to the charter school oversight  
13 board. The application shall include all of the following and any other information  
14 requested by the board:

15           a. A strategic plan for contracting with charter school governing boards that  
16 submit high-quality proposals for charter schools that meet identified educational  
17 needs and promote a diversity of educational choices.

18           b. A performance framework for use in supervising and evaluating charter  
19 schools that addresses pupil academic proficiency, growth in pupil academic  
20 achievement, gaps in achievement between groups of pupils, pupil attendance, the  
21 readiness of pupils for postsecondary education, the financial proficiency and  
22 sustainability of charter schools, and charter school management.

23           c. An assurance that the organization or consortium will ensure accountability  
24 and transparency on the part of those charter school governing boards with which  
25 it contracts.

1 d. A plan, including corrective action strategies, designed to improve a charter  
2 school under contract with the organization or consortium, or to close such a charter  
3 school, based on contractual performance standards.

4 e. A description of the types of charter schools the organization or consortium  
5 is seeking to establish, and their potential attendance areas.

6 f. Information on the organization's or consortium's finances and other  
7 resources necessary for the charter school oversight board to determine the  
8 applicant's ability to perform its functions under this section.

9 g. A plan for entering into additional contracts in order to replicate successful  
10 charter schools.

11 2. The charter school oversight board shall approve or deny an application  
12 within 90 days of receiving the application.

13 **SECTION 17.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

14 118.40 (2r) (c) 1. An entity under par. (b) 1. may contract for the operation of  
15 a charter school located anywhere in this state.

16 5. a. A school board may prohibit a pupil who resides in the school district from  
17 attending a charter school established under this subsection unless the school  
18 district's membership, as defined in s. 121.004 (5), is at least 4,000 and a total of at  
19 least 2 public schools in the school district were in the bottom 2 performance  
20 categories in the most recent school report published by the department under s.  
21 115.385.

22 b. A pupil who wishes to attend a charter school established under this  
23 subsection and who resides in a school district in which the school board may prohibit  
24 pupils from attending a charter school established under this subsection shall  
25 submit an application to the school board. Within 30 days of receiving the

1 application, the school board shall issue a decision allowing or prohibiting the pupil  
2 from attending the charter school.

3 **SECTION 18.** 118.40 (2r) (cm) of the statutes is repealed.

4 **SECTION 19.** 118.40 (2r) (f) of the statutes is created to read:

5 118.40 (2r) (f) A charter school established under this subsection is a local  
6 educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as  
7 a local educational agency, and shall comply with all requirements of local  
8 educational agencies, under 20 USC 6301 to 6578.

9 **SECTION 20.** 118.40 (2r) (g) of the statutes is created to read:

10 118.40 (2r) (g) If a charter school established by contract with an entity under  
11 par. (b) 1. a. to d. is in operation on the effective date of this paragraph .... [LRB inserts  
12 date], and the charter school is in one of the top 2 performance categories in the most  
13 recent school report published by the department under s. 115.385, the person  
14 operating the charter school may open one or more additional charter schools  
15 notwithstanding the terms of the existing contract. All provisions of the existing  
16 contract, other than any provision that conflicts with this paragraph, apply to the  
17 new school or schools unless parties agree to amend the existing contract or enter  
18 into a new contract.

19 **SECTION 21.** 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (a) 3. and  
20 amended to read:

21 118.40 (3m) (a) 3. ~~A school board or an entity under sub. (2r) (b) shall give~~ Give  
22 preference in awarding contracts for the operation of charter schools to those charter  
23 schools that serve children at risk, as defined in s. 118.153 (1) (a).

24 **SECTION 22.** 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (a) 2. and  
25 amended to read:



1           118.40 (3m) (a) 2. When establishing or contracting for the establishment of  
2 a charter school under this section, ~~a school board or entity specified under sub. (2r)~~  
3 ~~(b) shall consider~~ adhere to the principles and standards for quality charter schools  
4 established by the National Association of Charter School Authorizers.

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

6           118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may  
7 provide for the establishment of more than one charter school, and a charter school  
8 governing board may enter into more than one contract with a school board or entity  
9 under sub. (2r) (b).

10          **SECTION 24.** 118.40 (3) (g) of the statutes is created to read:

11          118.40 (3) (g) 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a  
12 contract with a school board or an entity under sub. (2r) (b) shall require that if the  
13 capacity of the charter school is insufficient to accept all pupils who apply, the charter  
14 school shall accept pupils at random.

15          2. A charter school shall give preference in enrollment to pupils who were  
16 enrolled in the charter school in the previous school year and to siblings of pupils who  
17 are enrolled in the charter school.

18          3. A charter school may give preference in enrollment to the children of the  
19 charter school's founders, governing board members, and full-time employees, but  
20 the total number of such children given preference may constitute no more than 10  
21 percent of the charter school's total enrollment.

22          **SECTION 25.** 118.40 (3m) (title) and (a) (intro.) of the statutes are created to  
23 read:

24          118.40 (3m) (title) AUTHORIZING ENTITY DUTIES. (a) (intro.) A school board or  
25 entity under sub. (2r) (b) shall do all of the following:

1           **SECTION 26.** 118.40 (3m) (a) 1. and 4. to 6. of the statutes are created to read:

2           118.40 **(3m)** (a) 1. Solicit and evaluate charter school applications.

3           4. Approve only high-quality charter school applications that meet identified  
4 educational needs and promote a diversity of educational choices.

5           5. In accordance with the terms of each charter school contract, monitor the  
6 performance and compliance with this section of each charter school with which it  
7 contracts.

8           6. Annually, submit to the state superintendent and to the legislature under  
9 s. 13.172 (2) a report that includes all of the following:

10           a. An identification of each charter school operating under contract with it,  
11 each charter school that operated under a contract with it but had its contract  
12 nonrenewed or revoked or that closed, and each charter school under contract with  
13 it that has not yet begun to operate.

14           b. The academic and financial performance of each charter school operated  
15 under contract with it.

16           c. The operating costs of the school board or entity under sub. (2r) (b) incurred  
17 under subds. 1. to 5., detailed in an audited financial statement prepared in  
18 accordance with generally accepted accounting principles.

19           d. The services the school board or entity under sub. (2r) (b) has provided to the  
20 charter schools under contract with it and an itemized accounting of the cost of the  
21 services.

22           **SECTION 27.** 118.40 (3m) (b) of the statutes is created to read:

23           118.40 **(3m)** (b) An organization or consortium approved by the charter school  
24 oversight board under sub. (2r) (bm) annually shall submit a report to the charter  
25 school oversight board that includes all the information specified in par. (a) 6.

1           **SECTION 28.** 118.40 (4) (title) of the statutes is amended to read:

2           118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND  
3 RESTRICTIONS.

4           **SECTION 29.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and  
5 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

6           118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of  
7 the following:

8           **SECTION 30.** 118.40 (4) (ag) of the statutes is created to read:

9           118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a  
10 governing board that is a party to the contract with the authorizing entity. No more  
11 than a minority of the governing board's members may be employees of the charter  
12 school or employees or officers of the school district in which the charter school is  
13 located.

14           **SECTION 31.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

15           118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not  
16 do any of the following:

17           **SECTION 32.** 118.40 (4) (b) 2. of the statutes is amended to read:

18           118.40 (4) (b) 2. Except as provided in ~~par. (e)~~ sub. (3) (h), discriminate in  
19 admission or deny participation in any program or activity on the basis of a person's  
20 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,  
21 sexual orientation or physical, mental, emotional or learning disability.

22           **SECTION 33.** 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and  
23 amended to read:

24           118.40 (3) (h) ~~*Single-sex schools and courses.*~~ A school board ~~may enter into~~  
25 ~~a contract for,~~ and an entity under sub. (2r) ~~may establish or enter into a contract for,~~

1 ~~the establishment of~~ establish a charter school that enrolls only one sex or that  
2 provides one or more courses that enroll only one sex if the school board or entity  
3 under sub. (2r) makes available to the opposite sex, under the same policies and  
4 criteria of admission, schools or courses that are comparable to each such school or  
5 course.

6 **SECTION 34.** 118.40 (4) (d) of the statutes is created to read:

7 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school  
8 governing board has all the powers necessary to carry out the terms of its contract,  
9 including all of the following:

10 1. To receive and disburse funds for school purposes.

11 2. To secure appropriate insurance.

12 3. To enter into contracts, including contracts with a University of Wisconsin  
13 institution or college campus, technical college district board, or private college or  
14 university, for technical or financial assistance, academic support, curriculum  
15 review, or other services.

16 4. To incur debt in reasonable anticipation of the receipt of funds.

17 5. To pledge, assign, or encumber its assets to be used as collateral for loans or  
18 extensions of credit.

19 6. To solicit and accept gifts or grants for school purposes.

20 7. To acquire real property for its use.

21 8. To sue and be sued in its own name. ✓

22 **SECTION 35.** 118.40 (6) of the statutes is amended to read:

23 118.40 (6) PROGRAM VOLUNTARY. No Unless all of the public schools in a school  
24 district have been converted to charter schools under sub. (2) (b) or (2m) (b), no pupil  
25 may be required to attend a charter school without his or her approval, if the pupil

1 is an adult, or the approval of his or her ~~parents~~ parent or legal guardian, if the pupil  
2 is a minor.

3 **SECTION 36.** 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ag).

4 **SECTION 37.** 118.51 (1) (ad) of the statutes is created to read:

5 118.51 (1) (ad) "Charter school" excludes a school under contract with an entity  
6 under s. 118.40 (2r) (b).

7 **SECTION 38.** 227.01 (13) (sm) of the statutes is created to read:

8 227.01 (13) (sm) Is a standard or statement of policy adopted by the charter  
9 school oversight board.

10 **SECTION 39.** 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), 2013 stats.,  
14 shall be determined by the governing board of the charter school established by  
15 contract under s. 118.40 (2r) (cm), 2013 stats., as approved by the chancellor of the  
16 University of Wisconsin-Parkside.

17 **SECTION 9134. Nonstatutory provisions; Public Instruction.**

18 (1) CHARTER SCHOOL OVERSIGHT BOARD. Notwithstanding section 15.375 (1) of the  
19 statutes, as created by this act, the initial members appointed to the charter school  
20 oversight board under section 15.375 (1) (a) of the statutes, as created by this act,  
21 shall be appointed as follows:

22 (a) One member under section 15.375 (1) (a) 1. of the statutes, as created by this  
23 act, shall be appointed for a term expiring on May 1, 2018, and one member shall be  
24 appointed for a term expiring on May 1, 2019.

1 (b) One member under section 15.375 (1) (a) 2. a. of the statutes, as created by  
2 this act, shall be appointed for a term expiring on May 1, 2017, and one member shall  
3 be appointed for a term expiring on May 1, 2019.

4 (c) The member under section 15.375 (1) (a) 2. b. of the statutes, as created by  
5 this act, shall be appointed for a term expiring on May 1, 2018.

6 (d) One member under section 15.375 (1) (a) 2. c. of the statutes, as created by  
7 this act, shall be appointed for a term expiring on May 1, 2017, and one member shall  
8 be appointed for a term expiring on May 1, 2019.

9 (e) The member under section 15.375 (1) (a) 2. d. of the statutes, as created by  
10 this act, shall be appointed for a term expiring on May 1, 2020.

11 (f) One member under section 15.375 (1) (a) 3. of the statutes, as created by this  
12 act, shall be appointed for a term expiring on May 1, 2018, and one member shall be  
13 appointed for a term expiring on May 1, 2020.

14 **SECTION 9334. Initial applicability; Public Instruction.**

15 (1) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (2r) (b) 2. and  
16 (c), (3) (e) and (g), and (4) (d) of the statutes first applies to a contract for the  
17 establishment of a charter school that is entered into, renewed, or modified on the  
18 effective date of this subsection.

19 **SECTION 9434. Effective dates; Public Instruction.**

20 (1) CHARTER SCHOOL GOVERNING BOARD. The treatment of section 118.40 (4) (ag)  
21 of the statutes takes effect on September 1, 2015.

22 (END)