

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget 266-8593** Drafter: **kpleviak**
 By: **Kretschmann** Secondary Drafters:
 Date: **1/9/2019** May Contact:

Same as LRB:

Submit via email: **YES**
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Pre Topic:

DOA:.....Kretschmann, BB0188 -

Topic:

Prohibiting authorization of new independent charter schools

Instructions:

See attached

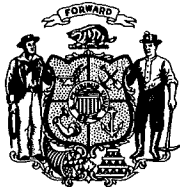
Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpleviak 1/24/2019	csicilia 1/25/2019			
/P1	kpleviak 2/1/2019		lparisi 1/25/2019		
/P2	kpleviak 2/16/2019	csicilia 2/4/2019	dwalker 2/4/2019		
/P3	kpleviak 2/20/2019	csicilia 2/17/2019	chanaman 2/17/2019		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P4		kfollett 2/20/2019	mbarman 2/20/2019		

FE Sent For:

<END>



State of Wisconsin
2019 - 2020 LEGISLATURE

PI
LRB-13052
KRP...
lys

IN: 01/24/19
DUE: 01/25/19 (Fri.)

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

SA
x-rod
abst
1

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill provides that, beginning on the effective date of the bill, an authorizer of an independent charter school may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the City of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

(*)

(*)

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

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

X

1 118.40 (1) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends
 2 to establish a charter school, it the school board shall notify the state superintendent
 3 of its intention. ~~Whenever one of the entities under sub. (2r) (b) or the director under~~
 4 ~~sub. (2x) intends to establish a charter school, it shall notify the state superintendent~~
 5 ~~of its intention by February 1 of the previous school year. A notice under this~~
 6 ~~subsection shall include a description of the proposed 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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

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

8 118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the
 9 following entities may contract with a person to operate 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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

10 **SECTION 3.** 118.40 (2r) (b) 2. i. of the statutes is amended to read:

11 118.40 (2r) (b) 2. i. A requirement that the charter school governing board
 12 provide the data needed by the entity under subd. 1. for purposes of making the
 13 report required under sub. ~~(3m) (f)~~ (3n) (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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

14 **SECTION 4.** 118.40 (2r) (bm) of the statutes is amended to read:

15 118.40 (2r) (bm) The Except as provided under par. (i), the county executive of
 16 Waukesha County may contract for the establishment of a charter school located only
 17 in Waukesha County.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

18 **SECTION 5.** 118.40 (2r) (i) of the statutes is created to read: /

19 118.40 (2r) (i) Beginning on the effective date of this paragraph [LRB inserts
 20 date], an entity under par. (b) 1. may not enter into a contract with a person to operate /

1 a charter school that was not operating on the effective date of this paragraph
2 [LRB inserts date].

****NOTE: Under current law, a charter contract may authorize the operator of a charter school to open additional charter schools if certain conditions are met. See s. 118.40 (2r) (b) 2. c. and (3) (f) 1., stats. This bill does not eliminate that authority if the additional charter school is opened and operated under the existing contract. However, it is unclear whether the authorizer could later enter into a new contract, as opposed to a renewal of the existing contract, with the operator with respect to that school. Let me know if that is not consistent with your intent or if you want to clarify the effect of the sunset provision on the authorizer's contracting authority with respect to those additional charter schools.

3 **SECTION 6.** 118.40 (2x) (b) 1. of the statutes is amended to read:

4 118.40 (2x) (b) 1. The Except as provided under par. (g), the director may
5 contract with a person to operate 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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

6 **SECTION 7.** 118.40 (2x) (b) 2. i. of the statutes is amended to read:

7 118.40 (2x) (b) 2. i. A requirement that the charter school governing board
8 provide the data needed by the director for purposes of making the report required
9 under sub. ~~(3m)~~ (f) (3n) (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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

10 **SECTION 8.** 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

11 118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except
12 as provided under par. (g), enter into a contract to establish, as a pilot project, one
13 recovery charter school, to be located in this state and that operates only high school
14 grades, if the term of the contract is limited to 4 consecutive school years and the
15 contract requires the charter school operator to do all of the following:

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

****NOTE: Under current law, the director is authorized to enter into a contract to establish a recovery charter school. As currently drafted, this bill sunsets that authority and treats a recovery charter school the same as other independent charter schools. Let me know if that is not consistent with your intent.

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

2 118.40 (2x) (g) Beginning on the effective date of this paragraph [LRB
3 inserts date], the director may not enter into a contract with a person to operate a
4 charter school that was not operating on the effective date of this paragraph [LRB
5 inserts date].

6 **SECTION 10.** 118.40 (3) (h) of the statutes is amended to read:

7 118.40 (3) (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school
8 board, an entity under sub. (2r), or the director under sub. (2x) may contract for the
9 establishment of a charter school that enrolls only one sex or that provides one or
10 more courses that enroll only one sex if the school board, entity under sub. (2r), or
11 the director under sub. (2x) makes available to the opposite sex, under the same
12 policies and criteria of admission, schools or courses that are comparable to each such
13 school or course.

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.)

14 **SECTION 11.** 118.40 (3m) (intro.) of the statutes is amended to read:

15 118.40 (3m) ~~AUTHORIZING ENTITY~~ SCHOOL BOARD DUTIES. (intro.) A school board,
16 ~~an entity under sub. (2r) (b), and the director under sub. (2x)~~ shall do all of the
17 following:

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.)

18 **SECTION 12.** 118.40 (3m) (c) of the statutes is amended to read:

19 118.40 (3m) (c) Give preference in awarding contracts for the operation of
20 charter schools ~~other than the charter school established under a contract with the~~

1 ~~director under sub. (2x) (cm)~~ to those charter schools that serve children at risk, as
2 defined in s. 118.153 (1) (a).

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

3 **SECTION 13.** 118.40 (3m) (f) 3. of the statutes is amended to read:

4 118.40 (3m) (f) 3. The operating costs the school board, ~~entity under sub. (2r)~~
5 ~~(b), or director under sub. (2x)~~ incurred under pars. (a) to (e), detailed in an audited
6 financial statement prepared in accordance with generally accepted accounting
7 principles.

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

8 **SECTION 14.** 118.40 (3m) (f) 4. of the statutes is amended to read:

9 118.40 (3m) (f) 4. The services the school board, ~~entity under sub. (2r) (b), or~~
10 ~~director under sub. (2x)~~ provided to the charter schools under contract with it the
11 school board and an itemized accounting of the cost of the services.

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro.).

12 **SECTION 15.** 118.40 (3n) of the statutes is created to read: ^

13 118.40 (3n) DUTIES OF INDEPENDENT CHARTER SCHOOL AUTHORIZERS. An entity
14 under sub. (2r) (b) and the director under sub. (2x) shall do all of the following:

15 (a) In accordance with the terms of each charter school contract, monitor the
16 performance and compliance with this section of each charter school with which the
17 entity or director contracts.

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

20 1. An identification of each charter school operating under contract with the
21 entity or director, each charter school that operated under a contract with the entity

SECTION 15

1 or director but had the contract nonrenewed or revoked or that closed, and each
2 charter school under contract with the entity or director that has not yet begun to
3 operate.

4 2. The academic and financial performance of each charter school operated
5 under contract with the entity or director.

6 3. The operating costs the entity or ^{director} incurred under par. (a), detailed in an
7 audited financial statement prepared in accordance with generally accepted
8 accounting principles.

9 4. The services the entity or director provided to the charter schools under
10 contract with the entity or director and an itemized accounting of the cost of the
11 services.

12 (END)



LRB-1305

01/28/19 - Telephone conference with Kyle:

-Redraft as follows:

*Note on page 2: Yes, allow operator to open additional schools under existing contract if they meet the standards under current law.

*Note on page 3: Yes, the sunset also applies to recovery charter schools.

-KRP

01/29/19 - Telephone conference with Kyle:

- Also provide that s. 118.40(3)(f)1. provision, as it applies to contracts at time of renewal, may allow new charter schools only if they meet the requirements under current s. 118.60(2r)(b)2.c. (top 2 performance categories).



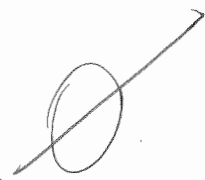
State of Wisconsin
2019 - 2020 LEGISLATURE

P2
LRB-1305/P1
KRP:cjs
Step RMR

IN: 02/01/19
DUE: 02/04/19 (Mon.)

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION



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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill provides that, beginning on the effective date of the bill, an authorizer of an independent charter school may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the office of educational opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

is
Unless the charter school was opened under a contract that authorized the opening

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

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

1 118.40 (1) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends
2 to establish a charter school, it the school board shall notify the state superintendent
3 of its intention. ~~Whenever one of the entities under sub. (2r) (b) or the director under~~
4 ~~sub. (2x) intends to establish a charter school, it shall notify the state superintendent~~
5 ~~of its intention by February 1 of the previous school year.~~ A notice under this
6 subsection shall include a description of the proposed school.

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

8 118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the
9 following entities may contract with a person to operate a charter school:

10 SECTION 3. 118.40 (2r) (b) 2. i. of the statutes is amended to read:

11 118.40 (2r) (b) 2. i. A requirement that the charter school governing board
12 provide the data needed by the entity under subd. 1. for purposes of making the
13 report required under sub. ~~(3m) (f)~~ (3n) (b).

14 SECTION 4. 118.40 (2r) (bm) of the statutes is amended to read:

15 118.40 (2r) (bm) The Except as provided under par. (i), the county executive of
16 Waukesha County may contract for the establishment of a charter school located only
17 in Waukesha County.

18 SECTION 5. 118.40 (2r) (i) of the statutes is created to read:

19 1. Except as provided in subd. 2.)
118.40 (2r) (i) Beginning on the effective date of this paragraph ... [LRB inserts
20 date], an entity under par. (b) 1. may not enter into a contract with a person to operate
21 a charter school that was not operating on the effective date of this paragraph ...
22 [LRB inserts date].

subdivision

*INSEPT
2-22*

****NOTE: Under current law, a charter contract may authorize the operator of a charter school to open additional charter schools if certain conditions are met. See s. 118.40 (2r) (b) 2. c. and (3) (f) 1., stats. This bill does not eliminate that authority if the additional charter school is opened and operated under the existing contract. However, it is unclear whether the authorizer could later enter into a new contract, as opposed to

a renewal of the existing contract, with the operator with respect to that school. Let me know if that is not consistent with your intent or if you want to clarify the effect of the sunset provision on the authorizer's contracting authority with respect to those additional charter schools.

1 SECTION 6. 118.40 (2x) (b) 1. of the statutes is amended to read:

2 118.40 (2x) (b) 1. The Except as provided under par. (g), the director may
3 contract with a person to operate a charter school.

4 SECTION 7. 118.40 (2x) (b) 2. i. of the statutes is amended to read:

5 118.40 (2x) (b) 2. i. A requirement that the charter school governing board
6 provide the data needed by the director for purposes of making the report required
7 under sub. (3m)-(f) (3n) (b).

8 SECTION 8. 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

9 118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except
10 as provided under par. (g), enter into a contract to establish, as a pilot project, one
11 recovery charter school, to be located in this state and that operates only high school
12 grades, if the term of the contract is limited to 4 consecutive school years and the
13 contract requires the charter school operator to do all of the following:

****NOTE: Under current law, the director is authorized to enter into a contract to establish a recovery charter school. As currently drafted, this bill sunsets that authority and treats a recovery charter school the same as other independent charter schools. Let me know if that is not consistent with your intent.

14 SECTION 9. 118.40 (2x) (g) of the statutes ⁱⁿ is created to read:

15 118.40 (2x) (g) 1. Except as provided under subd. 2.) Beginning on the effective date of this paragraph [LRB
16 inserts date], the director may not enter into a contract with a person to operate a
17 charter school that was not operating on the effective date of this paragraph [LRB
18 inserts date].

subdivision

19 SECTION 10. 118.40 (3) (h) of the statutes is amended to read:

INSERT
3-19

1 118.40 (3) (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school
2 board, an entity under sub. (2r), or the director under sub. (2x) may contract for the
3 establishment of a charter school that enrolls only one sex or that provides one or
4 more courses that enroll only one sex if the school board, entity under sub. (2r), or
5 the director under sub. (2x) makes available to the opposite sex, under the same
6 policies and criteria of admission, schools or courses that are comparable to each such
7 school or course.

8 **SECTION 11.** 118.40 (3m) (intro.) of the statutes is amended to read:

9 118.40 (3m) ~~AUTHORIZING ENTITY~~ SCHOOL BOARD DUTIES. (intro.) A school board,
10 ~~an entity under sub. (2r) (b), and the director under sub. (2x)~~ shall do all of the
11 following:

12 **SECTION 12.** 118.40 (3m) (c) of the statutes is amended to read:

13 118.40 (3m) (c) Give preference in awarding contracts for the operation of
14 charter schools ~~other than the charter school established under a contract with the~~
15 ~~director under sub. (2x) (em)~~ to those charter schools that serve children at risk, as
16 defined in s. 118.153 (1) (a).

17 **SECTION 13.** 118.40 (3m) (f) 3. of the statutes is amended to read:

18 118.40 (3m) (f) 3. The operating costs the school board, ~~entity under sub. (2r)~~
19 ~~(b), or director under sub. (2x)~~ incurred under pars. (a) to (e), detailed in an audited
20 financial statement prepared in accordance with generally accepted accounting
21 principles.

22 **SECTION 14.** 118.40 (3m) (f) 4. of the statutes is amended to read:

23 118.40 (3m) (f) 4. The services the school board, ~~entity under sub. (2r) (b), or~~
24 ~~director under sub. (2x)~~ provided to the charter schools under contract with it ~~the~~
25 school board and an itemized accounting of the cost of the services.

1 **SECTION 15.** 118.40 (3n) of the statutes is created to read:

2 **118.40 (3n) DUTIES OF INDEPENDENT CHARTER SCHOOL AUTHORIZERS.** An entity
3 under sub. (2r) (b) and the director under sub. (2x) shall do all of the following:

4 (a) In accordance with the terms of each charter school contract, monitor the
5 performance and compliance with this section of each charter school with which the
6 entity or director contracts.

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

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

14 2. The academic and financial performance of each charter school operated
15 under contract with the entity or director.

16 3. The operating costs the entity or director incurred under par. (a), detailed
17 in an audited financial statement prepared in accordance with generally accepted
18 accounting principles.

19 4. The services the entity or director provided to the charter schools under
20 contract with the entity or director and an itemized accounting of the cost of the
21 services.

22

(END)

INSERT
5-22 →

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1305/P2ins
KRP:...

INSERT 2-22

subdivision

1 2. An entity under par. (b) 1. may contract with a person to operate a charter
2 school that begins operating after the effective date of this paragraph.... [LRB inserts
3 date], if the person opens the charter school under a contract provision described
4 under par. (b) 2. c.

(END INSERT 2-22)

INSERT 3-19

subdivision

5 2. The director may contract with a person to operate a charter school that
6 begins operating after the effective date of this paragraph [LRB inserts date], if
7 the person opens the charter school under a contract provision described under sub.
8 (3) (f) 3. or s. 118.40 (3) (f) 1., 2017 stats.

9 **SECTION 1.** 118.40 (3) (f) 1. of the statutes is amended to read:

10 118.40 (3) (f) 1. ~~A~~ Except as provided in subd. 3., a contract with a school board,
11 an entity under sub. (2r) (b) 1. a. to h., or the director under sub. (2x) may provide
12 for the establishment of more than one charter school, and, except as provided in
13 subd. 2., a charter school governing board may enter into more than one contract with
14 a school board, an entity under sub. (2r) (b), or the director under sub. (2x).

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; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366; s. 35.17 correction in (2r) (fm) 2. (intro).

15 **SECTION 2.** 118.40 (3) (f) 3. of the statutes is created to read:

16 118.40 (3) (f) 3. A contract under par. (a) or under sub. (2m), (2r), or (2x) may
17 include a provision allowing the governing board of a charter school to open one or
18 more additional charter schools if all of the charter schools operated by the governing
19 board were assigned to one of the top 2 performance categories in the most recent
20 school and school district accountability report published under s. 115.385. If the

^

1 governing board opens one or more additional charter schools, the existing contract
2 applies to the new school or schools unless the parties agree to amend the existing
3 contract or enter into a new contract.

****NOTE: As currently drafted, the restriction created in this provision applies to school district charters as well as independent charters. Let me know if that is not consistent with your intent.

(END INSERT 3-19)

INSERT 5-22

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

5 (1) CHARTER SCHOOL CONTRACTS. The treatment of s. 118.40 (3) (f) 1. and 3. first
6 applies to a contract that is entered into, renewed, or modified on the effective date
7 of this subsection.

(END INSERT 5-22)



LRB-1305

02/15/19 Telephone conference with Kyle: Redraft as follows:

- Remove the exception on Page 3, lines 21 to 24
- Remove the provision on Page 4, lines 6 to 14. Keep current law.
- For the whole draft, rather than ~~an~~ outright prohibiting, make the limitation a pause. From the effective date to 2022-23 school year, no new schools. The limitation doesn't apply beginning 2023-24 school year.

-KRP



State of Wisconsin
2019 - 2020 LEGISLATURE

P3

LRB-1305/P2

KRP:cjs

IN: 02/16/19

DUE: 02/18/19 (Mon.)

stays RMR

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

anal: title: sub-sub:
#4. Authorization of new independent charter schools

1 AN ACT [§] relating to: the budget.

and ending on July 1, 2023

Analysis by the Legislative Reference Bureau

EDUCATION

generally

PRIMARY AND SECONDARY EDUCATION

This bill provides that, beginning on the effective date of the bill, an authorizer of an independent charter school may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill unless the charter school is opened under a contract that authorizes the opening. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

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

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SECTION 1. 118.40 (1) of the statutes is amended to read:

~~118.40 (1) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends to establish a charter school, it the school board shall notify the state superintendent of its intention. Whenever one of the entities under sub. (2r) (b) or the director under sub. (2x) intends to establish a charter school, it shall notify the state superintendent of its intention by February 1 of the previous school year. A notice under this subsection shall include a description of the proposed school.~~

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

118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the following entities may contract with a person to operate a charter school:

~~**SECTION 3.** 118.40 (2r) (b) 2. i. of the statutes is amended to read:~~

118.40 (2r) (b) 2. i. A requirement that the charter school governing board provide the data needed by the entity under subd. 1. for purposes of making the report required under sub. (3m) (f) (3n) (b).

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

118.40 (2r) (bm) The Except as provided under par. (i), the county executive of Waukesha County may contract for the establishment of a charter school located only in Waukesha County.

and ending on July 1, 2023,

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

118.40 (2r) (i) 1. Except as provided in subd. 2., beginning on the effective date of this subdivision [LRB inserts date], an entity under par. (b) 1. may not enter into a contract with a person to operate a charter school that was not operating on the effective date of this subdivision [LRB inserts date].

2. An entity under par. (b) 1. may contract with a person to operate a charter school that begins operating after the effective date of this subdivision [LRB

1 inserts date], if the person opens the charter school under a contract provision
2 described under par. (b) 2. c.

3 SECTION 6. 118.40 (2x) (b) 1. of the statutes is amended to read:

4 118.40 (2x) (b) 1. The Except as provided under par. (g), the director may
5 contract with a person to operate a charter school.

6 SECTION 7. 118.40 (2x) (b) 2. i. of the statutes is amended to read:
7 118.40 (2x) (b) 2. i. A requirement that the charter school governing board
8 provide the data needed by the director for purposes of making the report required
9 under sub. (3m) (f) (3n) (b).

10 SECTION 8. 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

11 118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except
12 as provided under par. (g), enter into a contract to establish, as a pilot project, one
13 recovery charter school, to be located in this state and that operates only high school
14 grades, if the term of the contract is limited to 4 consecutive school years and the
15 contract requires the charter school operator to do all of the following:

16 SECTION 9. 118.40 (2x) (g) of the statutes is created to read:

17 118.40 (2x) (g) 1. Except as provided in subd. 2., Beginning on the effective date
18 of this subdivision ^{paragraph} ... [LRB inserts date], the director may not enter into a contract
19 with a person to operate a charter school that was not operating on the effective date
20 of this subdivision ^{paragraph} ... [LRB inserts date].

and ending on July 1, 2023,

21 2. The director may contract with a person to operate a charter school that
22 begins operating after the effective date of this subdivision ... [LRB inserts date], if
23 the person opens the charter school under a contract provision described under sub.
24 (3) (f) 3. or s. 118.40 (3) (f) 1., 2017 stats.

25 SECTION 10. 118.40 (3) (f) 1. of the statutes is amended to read:

1 118.40 (3) (f) 1. A Except as provided in subd. 3., a contract with a school board,
2 an entity under sub. (2r) (b) 1. a. to h., or the director under sub. (2x) may provide
3 for the establishment of more than one charter school, and, except as provided in
4 subd. 2., a charter school governing board may enter into more than one contract with
5 a school board, an entity under sub. (2r) (b), or the director under sub. (2x).

6 **SECTION 11.** 118.40 (3) (f) 3. of the statutes is created to read:

7 118.40 (3) (f) 3. A contract under par. (a) or under sub. (2m), (2r), or (2x) may
8 include a provision allowing the governing board of a charter school to open one or
9 more additional charter schools if all of the charter schools operated by the governing
10 board were assigned to one of the top 2 performance categories in the most recent
11 school and school district accountability report published under s. 115.385. If the
12 governing board opens one or more additional charter schools, the existing contract
13 applies to the new school or schools unless the parties agree to amend the existing
14 contract or enter into a new contract.

****NOTE: As currently drafted, the restriction created in this provision applies to
school district charters as well as independent charters. Let me know if that is not
consistent with your intent.

15 **SECTION 12.** 118.40 (3) (h) of the statutes is amended to read:

16 118.40 (3) (h) A Except as provided under subs. (2r) (i) and (2x) (g), a school
17 board, an entity under sub. (2r), or the director under sub. (2x) may contract for the
18 establishment of a charter school that enrolls only one sex or that provides one or
19 more courses that enroll only one sex if the school board, entity under sub. (2r), or
20 the director under sub. (2x) makes available to the opposite sex, under the same
21 policies and criteria of admission, schools or courses that are comparable to each such
22 school or course.

23 **SECTION 13.** 118.40 (3m) (intro.) of the statutes is amended to read:

1 118.40 **(3m)** ~~AUTHORIZING ENTITY SCHOOL BOARD DUTIES.~~ (intro.) A school board,
2 ~~an entity under sub. (2r) (b), and the director under sub. (2x)~~ shall do all of the
3 following:

4 **SECTION 14.** 118.40 (3m) (c) of the statutes is amended to read:

5 118.40 **(3m)** (c) Give preference in awarding contracts for the operation of
6 charter schools ~~other than the charter school established under a contract with the~~
7 ~~director under sub. (2x) (cm)~~ to those charter schools that serve children at risk, as
8 defined in s. 118.153 (1) (a).

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

10 118.40 **(3m)** (f) 3. The operating costs the school board, ~~entity under sub. (2r)~~
11 ~~(b), or director under sub. (2x)~~ incurred under pars. (a) to (e), detailed in an audited
12 financial statement prepared in accordance with generally accepted accounting
13 principles.

14 **SECTION 16.** 118.40 (3m) (f) 4. of the statutes is amended to read:

15 118.40 **(3m)** (f) 4. The services the school board, ~~entity under sub. (2r) (b), or~~
16 ~~director under sub. (2x)~~ provided to the charter schools under contract with it the
17 school board and an itemized accounting of the cost of the services.

18 **SECTION 17.** 118.40 (3n) of the statutes is created to read:

19 118.40 **(3n)** DUTIES OF INDEPENDENT CHARTER SCHOOL AUTHORIZERS. An entity
20 under sub. (2r) (b) and the director under sub. (2x) shall do all of the following:

21 (a) In accordance with the terms of each charter school contract, monitor the
22 performance and compliance with this section of each charter school with which the
23 entity or director contracts.

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



LRB-1305

02/20/19 Telephone conference with Kyle Redcraft to provide that a (2r) or (2x) ~~etc~~ authorizer may contract with a person that submitted a notice of intent under s. 118.40(1) by Feb. 1, 2019.

-KRP



State of Wisconsin
2019 - 2020 LEGISLATURE

IN: 02/20/19

LRB-1305/P3
KRP:cjs + kf
RMR

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Authorization of new independent charter schools

This bill provides that, beginning on the effective date of the bill and ending on July 1, 2023, an authorizer of an independent charter school generally may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

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

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

2 118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the
3 following entities may contract with a person to operate a charter school:

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

5 118.40 (2r) (bm) The Except as provided under par. (i), the county executive of
6 Waukesha County may contract for the establishment of a charter school located only
7 in Waukesha County.

8 **SECTION 3.** 118.40 (2r) (i) of the statutes is created to read:

9 118.40 (2r) (i) 1. Except as provided in subd. 2, ³ and 3. beginning on the effective date
10 of this subdivision [LRB inserts date], and ending on July 1, 2023, an entity under
11 par. (b) 1. may not enter into a contract with a person to operate a charter school that
12 was not operating on the effective date of this subdivision [LRB inserts date].

13 2. An entity under par. (b) 1. may contract with a person to operate a charter
14 school that begins operating after the effective date of this subdivision [LRB
15 inserts date], if the person opens the charter school under a contract provision
16 described under par. (b) 2. c.

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

18 118.40 (2x) (b) 1. The Except as provided under par. (g), the director may
19 contract with a person to operate a charter school.

20 **SECTION 5.** 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

21 118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except
22 as provided under par. (g), enter into a contract to establish, as a pilot project, one
23 recovery charter school, to be located in this state and that operates only high school
24 grades, if the term of the contract is limited to 4 consecutive school years and the
25 contract requires the charter school operator to do all of the following:

INSERT
2-17

1. Except as provided in subd. 2.,

1 SECTION 6. 118.40 (2x) (g) of the statutes is created to read:

subdivision

2 118.40 (2x) (g) Beginning on the effective date of this paragraph... [LRB
3 inserts date], and ending on July 1, 2023, the director may not enter into a contract
4 with a person to operate a charter school that was not operating on the effective date
5 of this paragraph... [LRB inserts date].

INSERT
3-6

6 SECTION 7. 118.40 (3) (h) of the statutes is amended to read:

7 118.40 (3) (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school
8 board, an entity under sub. (2r), or the director under sub. (2x) may contract for the
9 establishment of a charter school that enrolls only one sex or that provides one or
10 more courses that enroll only one sex if the school board, entity under sub. (2r), or
11 the director under sub. (2x) makes available to the opposite sex, under the same
12 policies and criteria of admission, schools or courses that are comparable to each such
13 school or course.

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1305/P4ins
KRP:...

INSERT 2-17

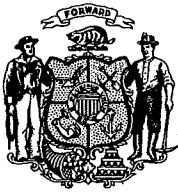
1 3. An entity under par. (b) 1. may contract with a person to operate a charter
2 school that begins operating after the effective date of this subdivision [LRB
3 inserts date], if the entity notified the state superintendent under sub. (1) by
4 February 1, 2019, of the entity's intention to establish the charter school.

(END INSERT 2-17)

INSERT 3-6

5 2. The director may contract with a person to operate a charter school that
6 begins operating after the effective date of this subdivision [LRB inserts date], if
7 the director notified the state superintendent under sub. (1) by February 1, 2019, of
8 the director's intention to establish the charter school.

(END INSERT 3-6)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1305/P4
KRP:cjs&kjf

DOA:.....Kretschmann, BB0188 - Prohibiting authorization of new independent charter schools

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. *Authorization of new independent charter schools*

This bill provides that, beginning on the effective date of the bill and ending on July 1, 2023, an authorizer of an independent charter school generally may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, a charter school may be authorized by a school board, the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County. A charter school authorized by an entity other than a school board is known as an independent charter school.

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

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

2 118.40 (2r) (b) 1. (intro.) All Except as provided under par. (i), all of the
3 following entities may contract with a person to operate a charter school:

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

5 118.40 (2r) (bm) The Except as provided under par. (i), the county executive of
6 Waukesha County may contract for the establishment of a charter school located only
7 in Waukesha County.

8 **SECTION 3.** 118.40 (2r) (i) of the statutes is created to read:

9 118.40 (2r) (i) 1. Except as provided in subds. 2. and 3., beginning on the
10 effective date of this subdivision [LRB inserts date], and ending on July 1, 2023,
11 an entity under par. (b) 1. may not enter into a contract with a person to operate a
12 charter school that was not operating on the effective date of this subdivision [LRB
13 inserts date].

14 2. An entity under par. (b) 1. may contract with a person to operate a charter
15 school that begins operating after the effective date of this subdivision [LRB
16 inserts date], if the person opens the charter school under a contract provision
17 described under par. (b) 2. c.

18 3. An entity under par. (b) 1. may contract with a person to operate a charter
19 school that begins operating after the effective date of this subdivision [LRB
20 inserts date], if the entity notified the state superintendent under sub. (1) by
21 February 1, 2019, of the entity's intention to establish the charter school.

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

23 118.40 (2x) (b) 1. The Except as provided under par. (g), the director may
24 contract with a person to operate a charter school.

25 **SECTION 5.** 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

1 118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., the director may, except
2 as provided under par. (g), enter into a contract to establish, as a pilot project, one
3 recovery charter school, to be located in this state and that operates only high school
4 grades, if the term of the contract is limited to 4 consecutive school years and the
5 contract requires the charter school operator to do all of the following:

6 **SECTION 6.** 118.40 (2x) (g) of the statutes is created to read:

7 118.40 (2x) (g) 1. Except as provided in subd. 2., beginning on the effective date
8 of this subdivision [LRB inserts date], and ending on July 1, 2023, the director
9 may not enter into a contract with a person to operate a charter school that was not
10 operating on the effective date of this subdivision [LRB inserts date].

11 2. The director may contract with a person to operate a charter school that
12 begins operating after the effective date of this subdivision [LRB inserts date], if
13 the director notified the state superintendent under sub. (1) by February 1, 2019, of
14 the director's intention to establish the charter school.

15 **SECTION 7.** 118.40 (3) (h) of the statutes is amended to read:

16 118.40 (3) (h) ~~A~~ Except as provided under subs. (2r) (i) and (2x) (g), a school
17 board, an entity under sub. (2r), or the director under sub. (2x) may contract for the
18 establishment of a charter school that enrolls only one sex or that provides one or
19 more courses that enroll only one sex if the school board, entity under sub. (2r), or
20 the director under sub. (2x) makes available to the opposite sex, under the same
21 policies and criteria of admission, schools or courses that are comparable to each such
22 school or course.

23 (END)