



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 631**

January 27, 1998 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT to repeal** 118.40 (3) (d); and **to amend** 40.02 (55) (intro.), 40.02 (55) (a),
2 116.032 (1), 116.08 (4), 118.40 (2m) (a), 118.40 (3) (c) and 118.40 (7) (a) of the
3 statutes; **relating to:** charter schools and the Wisconsin retirement system.

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

4 **SECTION 1.** 40.02 (55) (intro.) of the statutes is amended to read:
5 40.02 (55) (intro.) “Teacher” means any employe engaged in the exercise of any
6 educational function for compensation in the public schools, including charter
7 schools as defined in s. 115.001 (1) that are instrumentalities of a school district, or
8 the university in instructing or controlling pupils or students, or in administering,
9 directing, organizing or supervising any educational activity, but does not include
10 any employe determined to be an auxiliary instructional employe under s. 115.29 (3).
11 “Teacher” includes the following:

1 **SECTION 2.** 40.02 (55) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 40.02 **(55)** (a) Any person employed as a librarian by any school board in a
4 library in any school under its jurisdiction, including a charter school as defined in
5 s. 115.001 (1) that is an instrumentality of a school district, whose qualifications as
6 a librarian are at least equal to the minimum librarian qualifications prescribed by
7 the state superintendent of public instruction.

8 **SECTION 3.** 116.032 (1) of the statutes is amended to read:

9 116.032 **(1)** Subject to subs. (2) to (5), for the purpose of providing services to
10 pupils a board of control may contract with school districts, University of Wisconsin
11 System institutions and centers, technical college district boards, private schools,
12 and agencies or organizations that provide services to pupils. A board of control may
13 also contract with one or more school boards to operate a charter school under s.
14 118.40 (3) (c).

15 **SECTION 4.** 116.08 (4) of the statutes is amended to read:

16 116.08 **(4)** ~~Whenever~~ Except for the operation of a charter school under s.
17 118.40 (3) (c), whenever an agency performs any service or function under chs. 115
18 to 121 by contract with a county board or any agency thereof, with a school board or
19 with a county handicapped children's education board, the contract may authorize
20 the agency to make claim for and receive the state aid for performing the service or
21 function. The agency shall transmit a certified copy of the contract containing the
22 authority to collect state aid to the department. When an agency receives the state
23 aid, it shall pay over or credit the amount of state aid received to the proper county
24 or agency thereof, school district or county handicapped children's education board
25 for which the service or function was performed according to the contract therefor.

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

2 118.40 **(2m)** (a) A school board may on its own initiative contract with an
3 ~~individual or group~~ a person to operate a school as a charter school. The contract
4 shall include all of the provisions specified under sub. (1m) (b) and may include other
5 provisions agreed to by the parties.

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

7 118.40 **(3)** (c) A school board may not enter into a contract for the establishment
8 of a charter school located outside the school district, except that if 2 or more school
9 boards enter into an agreement under s. 66.30 to establish a charter school, the
10 charter school shall be located within one of the school districts, and if one or more
11 school boards enter into an agreement with the board of control of a cooperative
12 educational service agency to establish a charter school, the charter school shall be
13 located within the boundaries of the cooperative educational service agency. A school
14 board, ~~other than the school board of the school district operating under ch. 119,~~ may
15 not enter into a contract that would result in the conversion of a private, sectarian
16 school to a charter school.

17 **SECTION 7.** 118.40 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 27,
18 is repealed.

19 **SECTION 8.** 118.40 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is amended to read:

21 118.40 **(7)** (a) Except as provided in par. (am), ~~a charter school is an~~
22 ~~instrumentality of the school district in which it is located and the school board of~~
23 ~~that~~ the school district shall employ all personnel for the in which a charter school
24 is located shall determine whether or not the charter school is an instrumentality of
25 the school district. If the school board determines that the charter school is an

1 instrumentality of the school district, the school board shall employ all personnel for
2 the charter school. If the school board determines that the charter school is not an
3 instrumentality of the school district, the school board may not employ any personnel
4 for the charter school.

5 **SECTION 9. Initial applicability.**

6 (1) The treatment of section 118.40 (7) (a) of the statutes first applies to the legal
7 status of charter schools that are established on the effective date of this subsection.

8 **SECTION 10. Effective dates.** This act takes effect on the day after publication,
9 except as follows:

10 (1) The treatment of section 118.40 (3) (d) of the statutes takes effect on July
11 1, 1998, or the day after publication, whichever is later.

12 (END)