



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 396**

February 4, 2008 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT** *to renumber* 120.21 (1); *to renumber and amend* 118.40 (3) (c) and
2 120.21 (2); *to amend* 118.15 (1) (a), 118.19 (1), 118.40 (4) (b) 1., 118.51 (2),
3 119.04 (1) and 121.02 (1) (a) 2.; and *to create* 115.001 (16), 115.28 (53), 118.15
4 (1) (g), 118.19 (13), 118.40 (2r) (b) 4., 118.40 (8), 118.51 (18), 120.21 (3) and
5 121.83 (4) of the statutes; **relating to:** virtual charter schools.

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

6 **SECTION 1.** 115.001 (16) of the statutes is created to read:

7 115.001 (16) VIRTUAL CHARTER SCHOOL. “Virtual charter school” means a charter
8 school under contract with a school board under s. 118.40 in which all or a portion
9 of the instruction is provided through means of the Internet, and the pupils enrolled
10 in and instructional staff employed by the school are geographically remote from
11 each other.

1 **SECTION 2.** 115.28 (53) of the statutes is created to read:

2 115.28 **(53)** ONLINE COURSES. Make online courses available for a reasonable
3 fee, through a statewide web academy, to school districts, cooperative educational
4 service agencies, and charter schools and private schools located in this state.

5 **SECTION 3.** 118.15 (1) (a) of the statutes is amended to read:

6 118.15 **(1)** (a) Except as provided under pars. (b) to (d) and (g) and sub. (4),
7 unless the child is excused under sub. (3) or has graduated from high school, any
8 person having under control a child who is between the ages of 6 and 18 years shall
9 cause the child to attend school regularly during the full period and hours, religious
10 holidays excepted, that the public or private school in which the child should be
11 enrolled is in session until the end of the school term, quarter or semester of the
12 school year in which the child becomes 18 years of age.

13 **SECTION 4.** 118.15 (1) (g) of the statutes is created to read:

14 118.15 **(1)** (g) Paragraph (a) does not apply to a person having under control
15 a child who is enrolled in a virtual charter school.

16 **SECTION 5.** 118.19 (1) of the statutes is amended to read:

17 118.19 **(1)** Any Except as provided in s. 118.40 (8) (b) 2., any person seeking to
18 teach in a public school, including a charter school, or in a school or institution
19 operated by a county or the state shall first procure a license or permit from the
20 department.

21 **SECTION 6.** 118.19 (13) of the statutes is created to read:

22 118.19 **(13)** Beginning July 1, 2010, no person may teach an online course in
23 a public school, including a charter school, unless he or she has completed at least
24 30 hours of professional development designed to prepare a teacher for online
25 teaching.

1 **SECTION 7.** 118.40 (2r) (b) 4. of the statutes is created to read:

2 118.40 **(2r)** (b) 4. No chartering or contracting entity under subd. 1. may
3 establish or enter into a contract for the establishment of a virtual charter school.

4 **SECTION 8.** 118.40 (3) (c) of the statutes is renumbered 118.40 (3) (c) 1. and
5 amended to read:

6 118.40 **(3)** (c) 1. A school board may not enter into a contract for the
7 establishment of a charter school located outside the school district, except that if 2
8 or more school boards enter into an agreement under s. 66.0301 to establish a charter
9 school, the charter school shall be located within one of the school districts, and if one
10 or more school boards enter into an agreement with the board of control of a
11 cooperative educational service agency to establish a charter school, the charter
12 school shall be located within the boundaries of the cooperative educational service
13 agency. This subdivision does not apply to the establishment of a virtual charter
14 school.

15 2. A school board may not enter into a contract that would result in the
16 conversion of a private, sectarian school to a charter school.

17 **SECTION 9.** 118.40 (4) (b) 1. of the statutes is amended to read:

18 118.40 **(4)** (b) 1. Charge tuition, except as otherwise provided in s. 121.83 (4).

19 **SECTION 10.** 118.40 (8) of the statutes is created to read:

20 118.40 **(8)** VIRTUAL CHARTER SCHOOLS. (a) *Location.* For the purposes of sub.
21 (7) (a), (am), and (ar), a virtual charter school is considered to be located in the
22 following school district:

23 1. If a school board contracts with a person to establish the virtual charter
24 school, in the school district governed by that school board.

1 2. If 2 or more school boards enter into an agreement under s. 66.0301 to
2 establish the virtual charter school, or if one or more school boards enter into an
3 agreement with the board of control of a cooperative educational service agency to
4 establish the virtual charter school, in the school district specified in the agreement.

5 (b) *Licensure.* 1. The governing body of a virtual charter school shall assign
6 an appropriately licensed teacher for each online course offered by the virtual
7 charter school. Notwithstanding ss. PI 8.01 (2) (a) 2. and 34.34 (1) (a), Wis. Adm.
8 Code, a charter school instructional staff license provides no additional authority to
9 the license holder in a virtual charter school. Notwithstanding ss. PI 8.01 (2) (a) 2.
10 and 34.34 (2), Wis. Adm. Code, no person may teach in a virtual charter school if the
11 person holds only a charter school instructional staff permit issued under s. PI 34.34
12 (2), Wis. Adm. Code.

13 2. If a pupil attends a virtual charter school, any person providing educational
14 services to the pupil in the pupil's home, other than instructional staff of the virtual
15 charter school, is not required to hold a license or permit to teach issued by the
16 department.

17 (c) *Staff duties.* In a virtual charter school, an instructional staff member is
18 responsible for all of the following for each pupil the instructional staff member
19 teaches:

- 20 1. Improving learning by planned instruction.
- 21 2. Diagnosing learning needs.
- 22 3. Prescribing content delivery through class activities.
- 23 4. Assessing learning.
- 24 5. Reporting outcomes to administrators and parents and guardians.
- 25 6. Evaluating the effects of instruction.

1 (d) *Required days and hours.* A virtual charter school shall do all of the
2 following:

3 1. Provide educational services to its pupils for at least 150 days each school
4 year.

5 2. Ensure that its teachers are available to provide direct pupil instruction for
6 at least the applicable number of hours specified in s. 121.02 (1) (f) 2. each school year.
7 No more than 10 hours in any 24-hour period may count toward the requirement
8 under this subdivision.

9 3. Ensure that its teachers respond to inquiries from pupils and from parents
10 or guardians of pupils by the end of the first school day following the day on which
11 the inquiry is received.

12 (e) *Parent advisory council.* The governing body of a virtual charter school shall
13 ensure that a parent advisory council is established for the school and that it meets
14 on a regular basis. The governing body shall determine the selection process for
15 members of the parent advisory council.

16 (f) *Required notices.* At the beginning of each school term, the governing body
17 of a virtual charter school shall inform the parent or guardian of each pupil attending
18 the virtual charter school, in writing, the name of, and how to contact, each of the
19 following persons:

20 1. The members of the school board that contracted for the establishment of the
21 virtual charter school and the administrators of that school district.

22 2. The members of the virtual charter school's governing body, if different than
23 the persons under subd. 1.

24 3. The members of the virtual charter school's parent advisory council
25 established under par. (e).

1 4. The staff of the virtual charter school.

2 (g) *Pupil's failure to participate.* 1. Whenever a pupil attending a virtual
3 charter school fails to respond appropriately to a school assignment or directive from
4 instructional staff within 5 school days, the governing body of the virtual charter
5 school shall notify the pupil's parent or guardian.

6 2. The third time in the same semester that a pupil attending a virtual charter
7 school fails to respond appropriately to a school assignment or directive from
8 instructional staff within 5 school days, the governing body of the virtual charter
9 school shall notify the pupil's parent or guardian, the school board that contracted
10 for the establishment of the virtual charter school, the school board of the pupil's
11 resident school district, and the department. The school board that contracted for
12 the establishment of the virtual charter school may transfer the pupil to his or her
13 resident school district. If the pupil is a resident of the school district that contracted
14 for the establishment of the virtual charter school, the school board may assign the
15 pupil to another school or program within that school district. If the school board
16 transfers or assigns a pupil, it shall notify the pupil's parent or guardian and the
17 department.

18 3. The parent or guardian of a pupil transferred to the pupil's resident school
19 district under subd. 2. may appeal the transfer to the department within 30 days
20 after receipt of the notice of transfer. The department shall affirm the school board's
21 decision unless the department finds that the decision was arbitrary or
22 unreasonable.

23 **SECTION 11.** 118.51 (2) of the statutes is amended to read:

24 118.51 (2) **APPLICABILITY.** A pupil may attend a public school, including a
25 charter school, prekindergarten, 4-year-old kindergarten, or early childhood or

1 school-operated day care program, in a nonresident school district under this
2 section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten,
3 or early childhood or school-operated day care program in a nonresident school
4 district only if the pupil's resident school district offers the same type of program that
5 the pupil wishes to attend and the pupil is eligible to attend that program in his or
6 her resident school district.

7 **SECTION 12.** 118.51 (18) of the statutes is created to read:

8 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. For purposes of this section,
9 a virtual charter school is located in the school district specified in s. 118.40 (8) (a).

10 **SECTION 13.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20,
11 is amended to read:

12 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
13 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
14 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,
15 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16,
16 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8),
17 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12
18 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34),
19 (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class
20 city school district and board.

21 **SECTION 14.** 120.21 (1) of the statutes is renumbered 120.21 (1) (a).

22 **SECTION 15.** 120.21 (2) of the statutes is renumbered 120.21 (1) (b) and
23 amended to read:

24 120.21 (1) (b) The cost of such contracts under this subsection shall be paid out
25 of the school district general fund.

SECTION 16. 120.21 (3) of the statutes is created to read:

120.21 (3) Any contract entered into by a school board that relates to providing online courses is open to public inspection and copying.

SECTION 17. 121.02 (1) (a) 2. of the statutes is amended to read:

121.02 (1) (a) 2. ~~Ensure~~ Subject to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. For purposes of this subdivision, a virtual charter school is located in the school district specified in s. 118.40 (8) (a). The state superintendent shall promulgate rules defining “instructional staff” for purposes of this subdivision.

SECTION 18. 121.83 (4) of the statutes is created to read:

121.83 (4) Notwithstanding subs. (1) and (2), if a pupil who is not a resident of this state attends a virtual charter school in this state, the school board that contracted for the establishment of the virtual charter school shall charge tuition for the pupil in an amount equal to at least the amount determined under s. 118.51 (16) (a) 3.

SECTION 19. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 118.40 (4) (b) 1. and (8) (d) and 121.83 (4) of the statutes takes effect on July 1, 2008.

(2) The treatment of section 118.40 (8) (b) 1. of the statutes takes effect on July 1, 2009.

(END)