



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0951/2
PG:kjf:rs

DOA:.....Hynek, BB0333 – Restrict charter school requirements

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law provides that, unless otherwise explicitly provided, the school code (chapters 115 to 121 of the Wisconsin statutes) does not apply to charter schools. This bill prohibits a contract between a school board and the operator of a charter school that is an instrumentality of the school district from imposing on the operator any requirement in the school code that does not explicitly apply to charter schools.

The bill also requires that a contract between a school board and the operator of a charter school that is an instrumentality of the school district do all of the following:

1. Specify the amount to be paid to the charter school operator for each pupil attending the charter school. The amount must be commensurate with the average per pupil cost for the school district.

2. Grant the charter school operator sole discretion over the charter school's budget, curriculum, and professional development activities, and over the hiring of personnel and personnel policies for the charter school, unless a decision in any of these areas affects the health or safety of pupils. The bill does not modify the existing requirement that the school board employ all personnel for a charter school that is an instrumentality of the school district.

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:

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

118.40 (2m) (a) A school board may on its own initiative contract with a person to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties, except as otherwise provided in this section.

SECTION 2. 118.40 (3) (a) of the statutes is amended to read:

118.40 (3) (a) If the school board grants the petition under sub. (2), the school board shall contract with the person named in the petition under sub. (1m) (b) 1. to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties, except as otherwise provided in this section.

SECTION 3. 118.40 (3) (b) of the statutes is amended to read:

118.40 (3) (b) A contract under par. (a) or under subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract, except as provided in par. (i) 1.

SECTION 4. 118.40 (3) (i) of the statutes is created to read:

118.40 (3) (i) A contract under par. (a) or sub. (2m) in which the charter school is an instrumentality of the school district, as provided in sub. (7), shall do all of the following:

1. Specify the amount the school board will pay to the operator of the charter school for each resident pupil attending the charter school. The amount shall be commensurate with the average per pupil cost for the school district.

2. Grant the operator of the charter school sole discretion over the charter school's budget, curriculum, and professional development, and notwithstanding sub. (7) (a) and (am), over the hiring of personnel and personnel policies for the charter school, except where a decision in any of these areas affects the health or safety of pupils or staff, as determined by the school board.

3. Not impose on the operator of the charter school any requirement in chs. 115 to 121 that does not explicitly apply to charter schools.

SECTION 5. 118.40 (7) (ar) of the statutes is amended to read:

118.40 (7) (ar) Nothing in this subsection section affects the rights of personnel of a charter school that is an instrumentality of a school district to engage in collective bargaining pursuant to subch. IV of ch. 111.

SECTION 9334. Initial applicability; Public Instruction.

(1) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (2m) (a) and (3) (a), (b), and (i) of the statutes first applies to contracts entered into, modified, extended, or renewed on the effective date of this subsection.

(END)