



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1401/P3
FFK:amn/cjs/wlj

DOA:.....Kretschmann, BB0470 - Independent Charter School Policy
Cleanup

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Annual charter school authorizer report

Under current law, a school board, the Office of Educational Opportunity in the UW System, the City of Milwaukee, the chancellor of an institution in the UW System, a technical college district board, the county executive of Waukesha County, the college of Menominee Nation, and the Lac Courte Oreilles Ojibwa community college may contract with a person to operate a charter school. These entities are commonly referred to as charter school authorizers.

Current law requires each charter school authorizer to annually submit to DPI and the chief clerk of each house of the legislature a report that includes specific information about each charter school authorized by the charter school authorizer, services provided by the charter school authorizer, and the charter school authorizer's operating costs. This bill eliminates this requirement.

Per pupil payment to independent charter schools authorized by a tribal college

A charter school authorized by a charter school authorizer other than a school board is commonly known as an independent charter school. Under current law, DPI

pays a different per pupil amount to an independent charter school authorized by a tribal college than it pays to other independent charter schools.

Under current law, the per pupil payment to an independent charter school authorized by a tribal college is based on the per pupil academic base funding the federal Bureau of Indian Education provides to tribal schools under federal law. In the 2020-21 school year, the per pupil amount paid to an independent charter school authorized by a tribal college is \$8,719. The per pupil amount paid to an independent charter school authorized by an authorizer other than a tribal college is set by law. In the 2020-21 school year, the per pupil payment amount to an independent charter school authorized by an authorizer other than a tribal college is \$9,165.

This bill eliminates the different per pupil amount paid to independent charter schools authorized by a tribal college. Under the bill, beginning in the 2021-22 school year, DPI pays the same per pupil amount to all independent charter schools.

Early College Credit Program; pupils attending an independent charter school

Under current law, public and private high school pupils may enroll in an institution of higher education for the purpose of taking one or more courses to earn high school credit or postsecondary credit or both. This program is known as the Early College Credit Program. This bill makes various technical changes to the ECCP to ensure that the program is accessible to public high school pupils who attend independent charter schools. Under current law, the only secondary educational entity referenced in the ECCP for a public high school pupil is the school board of the school district in which the pupil is enrolled. A public high school pupil who attends an independent charter school is not enrolled in a school district. This bill adds throughout the ECCP the governing board of the independent charter school the pupil attends as the relevant secondary educational entity for a public high school pupil who attends an independent charter school.

For further information see the 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. 20.255 (2) (fm) of the statutes is amended to read:

20.255 (2) (fm) *Charter schools.* A sum sufficient to make the payments to charter schools under s. 118.40 (2r) (e), ~~(f)~~, and (fm).

SECTION 2. 20.445 (1) (d) of the statutes is amended to read:

20.445 (1) (d) *Reimbursement for tuition payments.* The amounts in the schedule to reimburse school districts, charter schools under s. 118.40 (2r) or (2x), and private schools for payments under s. 118.55 (5) (e) 2.

SECTION 3. 106.125 of the statutes is amended to read:

106.125 Early college credit program. On behalf of the school board of a school district, on behalf of a governing board of a charter school under s. 118.40 (2r) or (2x), and on behalf of the governing body of a participating private school, as defined in s. 118.55 (1) (c), the department of workforce development shall pay to the department of public instruction the costs of tuition for a pupil who attends an institution of higher education under the program under s. 118.55 as provided under s. 118.55 (5) (e) 2. and 3.

SECTION 4. 118.40 (2r) (b) 2. i. of the statutes is repealed.

SECTION 5. 118.40 (2r) (f) of the statutes is repealed.

SECTION 6. 118.40 (2r) (fm) 1. (intro.) of the statutes is amended to read:

118.40 (2r) (fm) 1. (intro.) Beginning in the 2018-19 school year, in addition to the payment under par. (e) and subject to subd. 3., for a pupil attending summer school at a charter school established by or under a contract with an entity under par. (b) 1. ~~a. to f.~~, the department shall pay to the operator of the charter school, in the manner described in par. (e) 3m., an amount determined as follows:

SECTION 7. 118.40 (2r) (fm) 2. of the statutes is repealed.

SECTION 8. 118.40 (2r) (g) 1. a. of the statutes is amended to read:

118.40 (2r) (g) 1. a. Determine the number of pupils residing in the school district for whom a payment is made under par. (e) to an operator of a charter school established under contract with an entity under par. (b) 1. ~~e., eg., or f. to h.~~ in that school year.

SECTION 9. 118.40 (2r) (g) 1. bf. of the statutes is amended to read:

118.40 (2r) (g) 1. bf. Identify the pupils residing in the school district for whom a payment is made under par. (fm) to an operator of a charter school established under contract with an entity under par. (b) 1. e. ~~or f.~~ to h. in that school year.

SECTION 10. 118.40 (2r) (g) 1. c. to dn. of the statutes are repealed.

SECTION 11. 118.40 (2r) (g) 1. e. of the statutes is amended to read:

118.40 (2r) (g) 1. e. Sum the amounts determined under subd. 1. b., and bn., ~~d., and dn.~~

SECTION 12. 118.40 (2x) (b) 2. i. of the statutes is repealed.

SECTION 13. 118.40 (3m) (f) of the statutes is repealed.

****NOTE: This is reconciled s. 118.40 (3m) (f). This SECTION has been affected by drafts with the following LRB numbers: -1401/P2 and -2009/P1.

SECTION 14. 118.55 (3) (title) of the statutes is amended to read:

118.55 (3) (title) ~~NOTIFICATION OF SCHOOL BOARD INTENT; DETERMINATION OF HIGH SCHOOL CREDIT; NOTIFICATION OF POSTSECONDARY CREDIT.~~

SECTION 15. 118.55 (3) (a) of the statutes is amended to read:

118.55 (3) (a) A public school pupil who intends to enroll in an institution of higher education under this section shall notify the school board of the school district in which he or she is enrolled or the governing board of the charter school under s. 118.40 (2r) or (2x) that he or she attends and a pupil attending a private school who intends to enroll in an institution of higher education under this section shall notify the governing body of the private school he or she attends of that intention no later than March 1 if the pupil intends to enroll in the fall semester, and no later than October 1 if the pupil intends to enroll in the spring semester. The notice shall include the titles of the courses in which the pupil intends to enroll and the number

of credits of each course, and shall specify whether the pupil will be taking the courses for high school or postsecondary credit.

SECTION 16. 118.55 (3) (b) of the statutes is amended to read:

118.55 (3) (b) If the public school pupil specifies in the notice under par. (a) that he or she intends to take a course at an institution of higher education for high school credit, the school board or governing board of the charter school under s. 118.40 (2r) or (2x) shall determine whether the course is comparable to a course offered in the school district, ~~and~~ or charter school, whether the course satisfies any of the high school graduation requirements under ~~s. 118.33~~, and the number of high school credits to award the pupil for the course, if any. If the pupil attending a private school specifies in the notice under par. (a) that he or she intends to take a course at an institution of higher education for high school credit, the governing body of the participating private school shall determine whether the course is comparable to a course offered at the private school, whether the course satisfies any requirements necessary for high school graduation, and the number of high school credits to award the pupil for the course, if any. In cooperation with institutions of higher education, the state superintendent shall develop guidelines to assist school districts boards, governing boards of charter schools under s. 118.40 (2r) or (2x), and participating private schools in making the determinations. The school board, governing board, or governing body shall notify the pupil of its determinations, in writing, before the beginning of the semester in which the pupil will be enrolled. If the public school pupil disagrees with the ~~school board's~~ decision of a school board or governing board of a charter school under s. 118.40 (2r) or (2x) regarding comparability of courses, satisfaction of high school graduation requirements, or the number of high school credits to be awarded, the pupil may appeal the ~~school board's~~ decision to the state

superintendent within 30 days after the decision. The state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227. If the pupil attending a participating private school disagrees with any decision of a governing body under this paragraph, the pupil may appeal the decision to the governing body within 30 days after the decision.

SECTION 17. 118.55 (4) (b) of the statutes is amended to read:

118.55 (4) (b) If an institution of higher education admits a pupil, it shall notify the school board of the school district in which the pupil is enrolled, the governing board of the charter school under s. 118.40 (2r) or (2x) the pupil attends, or the governing body of the pupil's participating private school, in writing, within 30 days after the beginning of classes at the institution of higher education. The notification shall include the course or courses in which the pupil is enrolled.

SECTION 18. 118.55 (4) (c) of the statutes is amended to read:

118.55 (4) (c) If a pupil is not admitted to attend the course that he or she specified in the notice under sub. (3) (a) but is admitted to attend a different course, the pupil shall immediately notify the school board of the school district in which he or she is enrolled, the governing board of the charter school under s. 118.40 (2r) or (2x) the pupil attends, or the governing body of the pupil's participating private school and the school board, governing board, or governing body shall inform the pupil of its determinations under sub. (3) (b) regarding the course to which the pupil was admitted as soon as practicable.

SECTION 19. 118.55 (5) (intro.) of the statutes is amended to read:

118.55 (5) **RESPONSIBILITY FOR AND DETERMINATION OF COSTS; PAYMENT AND REIMBURSEMENT FOR CERTAIN COSTS.** (intro.) Subject to sub. (7t), the school board of the school district in which a pupil attending an institution of higher education under

this section is enrolled, the governing board of the charter school under s. 118.40 (2r) or (2x) attended by a pupil who is attending an institution of higher education under this section, and the governing body of the participating private school attended by a pupil who is attending an institution of higher education under this section shall be responsible for the following amount:

SECTION 20. 118.55 (5) (a) of the statutes is amended to read:

118.55 (5) (a) If the public high school pupil is taking a course for high school credit, regardless of whether the course is also taken for postsecondary credit, and if the course is not comparable to a course offered in the school district or at the charter school, 75 percent of the actual cost of tuition for the course, as determined under par. (d). If a private high school pupil attending a private school is taking a course for high school credit, regardless of whether the course is also taken for postsecondary credit, and if the course is not comparable to a course offered by the participating private school, 75 percent of the actual cost of tuition for the course, as determined under par. (d). If the pupil takes a course described under this paragraph at a high school in a school district, at a charter school under s. 118.40 (2r) or (2x), or at a participating private school, the school board of the school district, the governing board of the charter school, or the governing body of the participating private school ~~shall be~~ is responsible for the costs of books and other necessary materials for the course.

SECTION 21. 118.55 (5) (b) of the statutes is amended to read:

118.55 (5) (b) If the pupil is taking a course for postsecondary credit and if the course is not comparable to a course offered in the school district, at the charter school under s. 118.40 (2r) or (2x), or the participating private school, 25 percent of the actual cost of tuition for the course, as determined under par. (d).

SECTION 22. 118.55 (5) (d) of the statutes is amended to read:

118.55 (5) (d) If a school board, the governing board of a charter school under s. 118.40 (2r) or (2x), or the governing body of a participating private school is required to pay tuition on behalf of a pupil under this subsection, the tuition charged for each credit assigned to the course may not exceed the following:

1. For an institution of higher education under sub. (1) (bm) 1., other than a University of Wisconsin college campus, as defined in s. 36.05 (6m), one-third of the amount that would be charged for each credit assigned to the course to an individual who is a resident of this state and who is enrolled in the educational institution as an undergraduate student. Subject to sub. (7t), neither the institution of higher education nor the school board ~~nor the~~ governing board, or governing body may charge any additional costs or fees to a pupil to attend a course under this section.

1m. For an institution of higher education under sub. (1) (bm) that is a University of Wisconsin college campus, as defined in s. 36.05 (6m), one-half of the amount that would be charged for each credit assigned to the course to an individual who is a resident of this state and who is enrolled in the college campus as an undergraduate student. Subject to sub. (7t), neither the college campus nor the school board or governing board may charge any additional costs or fees to a pupil to attend a course under this section.

2. For an institution of higher education under sub. (1) (bm) 2., one-third of the amount that would be charged for each credit assigned to a similar course offered by the University of Wisconsin-Madison to an individual who is a resident of this state and who is enrolled at the University of Wisconsin-Madison as an undergraduate student. Subject to sub. (7t), neither the institution of higher education nor the

school board or governing board may charge any additional costs or fees to a pupil to attend a course under this section.

SECTION 23. 118.55 (5) (e) of the statutes is amended to read:

118.55 (5) (e) 1. Subject to sub. (7t), within 30 days after the end of the semester, the school board of the school district in which a pupil who attended an institution of higher education under this section was enrolled, the governing board of the charter school under s. 118.40 (2r) or (2x) attended by a pupil who attended an institution of higher education under this section, and the governing body of a participating private school attended by a pupil who attended the institution of higher education under this section shall pay the institution, on behalf of the pupil, the amount determined under par. (d) and shall submit an itemized report to the department of the amounts paid under this subdivision.

2. Subject to subd. 3., from the appropriation under s. 20.445 (1) (d), the secretary of the department of workforce development shall, on behalf of the school board of a school district in which a pupil who attended an institution of higher education under this section was enrolled, on behalf of the governing board of the charter school under s. 118.40 (2r) or (2x) attended by a pupil who attended an institution of higher education under this section, and on behalf of the governing body of a participating private school and a pupil who attended the private school and who attended an institution of higher education under this section, pay to the department of public instruction the following amount:

a. For a pupil who took a course for high school credit, as described in par. (a), 25 percent of the actual cost of tuition for the course, as determined under par. (d). The department of public instruction shall reimburse the school board of the school district, governing board of the charter school, or the governing body of the private

school the amount received from the department of workforce development under this subd. 2. a.

b. For a pupil who took a course for postsecondary credit, as described in par. (b), 50 percent of the actual cost of tuition for the course, as determined under par. (d). The department of public instruction shall reimburse the school board of the school district, governing board of the charter school, or the governing body of the private school the amount received from the department of workforce development under this subd. 2. b.

3. If the appropriation under s. 20.445 (1) (d) in any fiscal year is insufficient to reimburse all school districts, governing boards, and all governing bodies eligible for the full amount of reimbursable tuition costs under subd. 2., the secretary of the department of workforce development shall notify the state superintendent, who shall prorate the amount of the payments under subd. 2. among eligible school districts, governing boards, and governing bodies.

SECTION 24. 118.55 (6) of the statutes is amended to read:

118.55 (6) RESPONSIBILITY OF PUPIL FOR TUITION AND FEES; INSTITUTION OF HIGHER EDUCATION. (a) Subject to sub. (7t), a pupil taking a course at an institution of higher education for high school credit under this section is not responsible for any portion of the tuition and fees for the course if the school board, the governing board of a charter school under s. 118.40 (2r) or (2x), the state superintendent on appeal under sub. (3) (b), the governing body of the participating private school, or the governing body on appeal under sub. (3) (b) has determined that the course is not comparable to a course offered in the school district, at the charter school, or at the participating private school, whichever is applicable.

(b) A pupil taking a course at an institution of higher education for high school credit under this section is responsible for the tuition and fees for the course if the school board, the governing board of a charter school under s. 118.40 (2r) or (2x), or the governing body of the participating private school has determined that the course is comparable to a course offered in the school district, at the charter school, or at the participating private school, unless the state superintendent or the governing body reverses the decision of the school board, governing board, or governing body, respectively, on appeal under sub. (3) (b).

(c) 1. Except as provided in subd. 2., a pupil taking a course under this section at an institution of higher education only for postsecondary credit is responsible for 25 percent of the actual cost of tuition for the course, as determined under sub. (5)

(d). The school board of the school district in which the pupil attending an institution under this section is enrolled, the governing board of the charter school under s. 118.40 (2r) or (2x) attended by a pupil attending an institution of higher education under this section, and the governing body of a participating private school attended by a pupil attending an institution of higher education under this section shall establish a written policy governing the timing and method for recovering from the pupil or the pupil's parent or guardian the pupil's share of tuition as specified in this subdivision.

2. The school board, governing board of the charter school under s. 118.40 (2r) or (2x), or the governing body of the participating private school shall waive the pupil's responsibility for costs under subd. 1. if the department determines that the cost of the course would pose an undue financial burden on the pupil's family.

SECTION 25. 118.55 (7t) of the statutes is amended to read:

118.55 (7t) LIMITATIONS ON PARTICIPATION AND PAYMENT. (a) A school board, governing board of a charter school under s. 118.40 (2r) or (2x), or the governing body of a participating private school may establish a written policy limiting the number of credits for which the school board, governing board, or governing body will pay under sub. (5) and s. 38.12 (14) (d) to the equivalent of 18 postsecondary semester credits per pupil.

(c) If a pupil receives a failing grade in a course, or fails to complete a course, at an institution of higher education or technical college for which the school board, governing board of a charter school under s. 118.40 (2r) or (2x), or the governing body of a participating private school has made payment, the pupil's parent or guardian, or the pupil if he or she is an adult, shall reimburse the school board, governing board, or the governing body the amount paid on the pupil's behalf upon the request of the school board, governing board, or governing body. If a school board, governing board, or governing body that requests reimbursement of a payment made under this section is not reimbursed as requested, the pupil on whose behalf the payment was made is ineligible for any further participation in the program under this section. For the purposes of this paragraph, a grade that constitutes a failing grade for a course offered in the school district, at the charter school under s. 118.40 (2r) or (2x), or at the participating private school constitutes a failing grade for a course taken at an institution of higher education or technical college under this section.

SECTION 26. 118.55 (8) (b) of the statutes is amended to read:

118.55 (8) (b) A school board, governing board of a charter school under s. 118.40 (2r) or (2x), or the governing body of a participating private school may enter into an agreement with an institution of higher education to facilitate the early college credit program under this section.

SECTION 27. 118.55 (10) (d) of the statutes is created to read:

118.55 (10) (d) This section does not apply to a course for which a high school pupil attending a charter school under s. 118.40 (2r) or (2x) may earn postsecondary credit if all of the following apply:

1. The governing board of the charter school and one of the following have entered into an agreement before, on, or after the effective date of this subdivision [LRB inserts date], to provide a college credit in high school program to academically qualified pupils under which participating pupils may take the course for postsecondary credit:

- a. The chancellor of a University of Wisconsin System institution.
- b. The president of a private, nonprofit institution.

2. The instruction of pupils in the course takes place in the charter school building.

3. The individual who provides instruction in the course is any of the following:

a. For a course taught pursuant to an agreement under subd. 1. a., a high school teacher who is employed by the governing board of the charter school and certified or approved to provide the instruction by the participating University of Wisconsin System institution or a faculty member of the participating University of Wisconsin System institution.

b. For a course taught pursuant to an agreement under subd. 1. b., a high school teacher who is employed by the governing board of the charter school and certified or approved to provide the instruction by the participating private, nonprofit institution or a faculty member of the participating private, nonprofit institution.

SECTION 28. 121.07 (2) (d) of the statutes is amended to read:

121.07 (2) (d) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 118.40 (2r) (e) to an operator of a charter school established under contract with an entity under s. 118.40 (2r) (b) 1. e., ~~eg., or f.~~ to h. in the previous school year.

SECTION 29. 121.07 (2) (e) of the statutes is amended to read:

121.07 (2) (e) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 118.40 (2r) (f), 2019 stats., in the previous school year.

SECTION 30. 121.07 (2) (e) of the statutes, as affected by 2021 Wisconsin Act ... (this act), is repealed.

SECTION 9334. Initial applicability; Public Instruction.

(1) PER PUPIL PAYMENT AMOUNT TO INDEPENDENT CHARTER SCHOOLS AUTHORIZED BY A TRIBAL COLLEGE. The treatment of ss. 20.255 (2) (fm) and 118.40 (2r) (f), (fm) 1. (intro.) and 2., and (g) 1. a., bf., c. to dn., and e. first applies to payments made to charter schools in the 2021-22 school year.

****NOTE: This is the reconciled initial applicability provision. This SECTION has been affected by drafts with the following LRB numbers: -0819/P1 and -1401/P2.

SECTION 9434. Effective dates; Public Instruction.

(1) PER PUPIL PAYMENT AMOUNT TO INDEPENDENT CHARTER SCHOOLS AUTHORIZED BY A TRIBAL COLLEGE; STATE AID ADJUSTMENTS. The treatment of s. 121.07 (2) (d) and the repeal of s. 121.07 (2) (e) take effect on July 1, 2022.

(END)