



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-2009/P2  
KRP&ARG:emw

DOA:.....Kretschmann, BB0598 - Office of Educational Opportunity;  
chancellor receives temp duties

**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**

***Eliminating the Office of Educational Opportunity***

This bill eliminates the Office of Educational Opportunity (OEO) as a charter school authorizer. Under current law, a charter school may be authorized by a school board, the director of the OEO, 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. The bill provides that, beginning on the effective date of the bill, the OEO may not authorize any additional charter schools. Under the bill, a charter school authorized by the OEO before the effective date of the bill may continue to operate under its contract but may not renew or extend the contract. The bill provides that, upon expiration of the contract, the charter school may enter into a contract with any other authorizer to continue operating as a charter school. See EDUCATION - HIGHER EDUCATION.

**HIGHER EDUCATION**

***Office of Educational Opportunity***

This bill eliminates the Office of Educational Opportunity (OEO) in the UW System. Under current law, the OEO authorizes and monitors charter schools, and

the OEO is managed by a director appointed by the president of the UW System. After the effective date of the bill, the former OEO's monitoring duties related to existing charter schools are transferred to the chancellor of UW-Madison, but the chancellor may not authorize new charter schools. See EDUCATION - PRIMARY AND SECONDARY EDUCATION.

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.** 20.255 (2) (fp) of the statutes is amended to read:

20.255 (2) (fp) *Charter schools; former office of educational opportunity*. A sum sufficient to make the payments to charter schools under s. 118.40 (2x) (e) 1. and (em). No moneys may be encumbered from this appropriation after the chancellor of the University of Wisconsin-Madison has provided the notice under s. 36.09 (3) (d) 3.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 2.** 20.255 (2) (fq) of the statutes is amended to read:

20.255 (2) (fq) *Charter schools; former office of educational opportunity recovery charter schools*. A sum sufficient to make the payments to charter schools under s. 118.40 (2x) (e) 1m. No moneys may be encumbered from this appropriation after the chancellor of the University of Wisconsin-Madison has provided the notice under s. 36.09 (3) (d) 3.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 3.** 36.09 (2) (c) of the statutes is repealed.

**SECTION 4.** 36.09 (3) (d) 3. of the statutes is created to read:

36.09 (3) (d) 3. Within 30 days after all contracts under s. 118.40 (2x) have terminated, the chancellor of the University of Wisconsin-Madison shall provide notice of this fact to the legislature in the manner provided under s. 13.172 (2), to the

governor, and to the state superintendent of public instruction. All requirements and authority under this paragraph terminate after the chancellor provides this notice.

**SECTION 5.** 36.29 (8) of the statutes is amended to read:

36.29 (8) This section does not apply to a private gift or grant made to the office of educational opportunity. under s. 36.09 (3) (d) 2. d.

**SECTION 6.** 36.64 (title) and (1) of the statutes are repealed.

**SECTION 7.** 36.64 (2) of the statutes is renumbered 36.09 (3) (d) 1. and amended to read:

36.09 (3) (d) 1. ~~The office of educational opportunity shall evaluate proposals for contracts under s. 118.40 (2x),~~ chancellor of the University of Wisconsin-Madison shall monitor pupil academic performance at charter schools authorized under s. 118.40 (2x), and monitor the overall operations of charter schools authorized under s. 118.40 (2x).

**SECTION 8.** 36.64 (3) of the statutes is repealed.

**SECTION 9.** 36.64 (4) (intro.) and (a) of the statutes are renumbered 36.09 (3) (d) 2. (intro.) and a. and amended to read:

36.09 (3) (d) 2. (intro.) ~~The director of the office of educational opportunity~~ chancellor of the University of Wisconsin-Madison may do any of the following in carrying out the chancellor's duties under subd. 1.:

a. Appoint up to 2 ~~associate directors~~ assistants.

**SECTION 10.** 36.64 (4) (b) of the statutes is repealed.

**SECTION 11.** 36.64 (4) (c) of the statutes is renumbered 36.09 (3) (d) 2. c.

**SECTION 12.** 36.64 (4) (d) and (5) of the statutes are consolidated, renumbered 36.09 (3) (d) 2. d. and amended to read:

36.09 (3) (d) 2. d. Solicit private gifts and grants for charter schools established under s. 118.40 (2x). ~~(5) The director of the office of educational opportunity chancellor of the University of Wisconsin-Madison shall report to the board any private gift or grant received by the office of educational opportunity under this subd. 2. d. and how the director chancellor intends to use the private gift or grant.~~

**SECTION 13.** 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 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 14.** 118.40 (2x) (title) of the statutes is amended to read:

118.40 (2x) (title) ~~OFFICE~~ CHARTER SCHOOLS AUTHORIZED BY THE FORMER OFFICE OF EDUCATIONAL OPPORTUNITY.

**SECTION 15.** 118.40 (2x) (a) 1. of the statutes is amended to read:

118.40 (2x) (a) 1. “Director” means the ~~special assistant to the president of the University of Wisconsin System appointed under s. 36.09 (2) (e)~~ chancellor of the University of Wisconsin-Madison.

**SECTION 16.** 118.40 (2x) (b) 1. of the statutes is amended to read:

118.40 (2x) (b) 1. The Beginning on the effective date of this subdivision .... [LRB inserts date], the director may not contract with a person to operate a charter school under this subsection. A contract entered into before the effective date of this subdivision .... [LRB inserts date], by the special assistant to the president of the University of Wisconsin System appointed under s. 36.09 (2) (c), 2019 stats., with a

person to operate a charter school under this subsection remains in full force and effect, but the director may not renew or modify the contract. The director shall carry out the special assistant's obligations under the contract.

**SECTION 17.** 118.40 (2x) (cm) (intro.) of the statutes is amended to read:

118.40 (2x) (cm) (intro.) Notwithstanding par. (b) 1., Beginning on the effective date of this paragraph .... [LRB inserts date], the director may not enter into a contract to operate a recovery charter school under this paragraph. The director may not renew or modify a contract entered into under this paragraph before the effective date of this paragraph .... [LRB inserts date], by the special assistant to the president of the University of Wisconsin System appointed under s. 36.09 (2) (c), 2019 stats., to establish, as a pilot project, one recovery charter school, to be located in this state and that operates only high school grades, but the contract remains in full force and effect if the term of the contract is limited to 4 consecutive school years and the 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 OEO-authorized independent charter schools. Let me know if that is not consistent with your intent.

**SECTION 18.** 118.40 (2x) (g) of the statutes is created to read:

118.40 (2x) (g) All of the following apply to a charter school established under this subsection before the effective date of this paragraph .... [LRB inserts date]:

1. Unless the director revokes the charter school's charter under sub. (5), the operator of the charter school may continue to operate the charter school under the terms of the contract under par. (b) 1. or (cm) that is effective on the effective date of this subdivision .... [LRB inserts date], for the remaining term of the contract, but the contract is not renewable for any additional term and may not be extended.

2. Unless the director revokes the charter school's charter under sub. (5), the operator of the charter school may enter into a contract under sub. (2m) or (2r) to operate the charter school.

**SECTION 19.** 118.40 (3) (b) of the statutes is amended to read:

118.40 (3) (b) A contract under par. (a) or under sub. (2m), (2r), or (2x) may be for any term not exceeding 5 school years and, except as provided under sub. (2x) (g), 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.

**SECTION 20.** 118.40 (3) (h) of the statutes is amended to read:

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

**SECTION 21.** 118.40 (3m) (intro.) of the statutes is amended to read:

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

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

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

**SECTION 23.** 118.40 (3n) of the statutes is created to read:

118.40 **(3n)** DIRECTOR DUTIES. The director under sub. (2x) shall, in accordance with the terms of each charter school contract, monitor the performance and compliance with this section of each charter school established under a contract under sub. (2x).

**SECTION 24.** 119.61 (1) (a) 4. of the statutes is amended to read:

119.61 **(1)** (a) 4. An individual or group that is pursuing a contract with an entity under s. 118.40 (2r) (b) ~~or the director under s. 118.40 (2x)~~ to operate a school as a charter school.

(END)