



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 29

**Assembly Substitute
Amendment 1, as Amended by
Assembly Amendment 1**

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Under *current law*, a school board may, on its own initiative or based on a petition by teachers, contract with a person to operate a school as a charter school. In addition, charter schools may be established, under certain circumstances, by the City of Milwaukee, the University of Wisconsin (UW)-Milwaukee, the Milwaukee Area Technical College, or the UW-Parkside. (The latter schools are sometimes referred to as “(2r)” charter schools (after the statutory provision in s. 118.40 (2r), Stats., authorizing their creation) or as independent charter schools.)

Current law provides that only pupils who reside in the school district in which a (2r) charter school is located may attend that (2r) charter school. Except as otherwise explicitly provided in the statutes, chs. 115 to 121, Stats. (the education statutes), do not apply to charter schools. Attendance at a charter school must be with the approval of the pupil’s parent or legal guardian if the pupil is a minor or with the approval of the pupil if the pupil is an adult.

2003 Assembly Bill 29 additionally permits a county board to operate a (2r) charter school directly or to contract for its operation. A county board charter school must be located in that county, and only pupils who reside in that county may attend the county board charter school.

Assembly Substitute Amendment 1 to Assembly Bill 29 essentially retains these provisions of the bill but adds the following qualifiers:

1. Only **10** counties may be approved to operate a county board charter school, and no more than **two** such charter schools may be established in a county. A county board may not establish or enter into a contract to establish a county board charter school without the approval of the State Superintendent of Public Instruction. A county board must adopt a resolution requesting approval to establish a county board charter school, and the State Superintendent must approve the first 10 requests. The role of the State Superintendent appears to be ministerial in approving requests in the order received and ensuring that no more than 10 counties establish county board charter schools.

2. No county board charter school may open for purposes of pupil attendance until the 2005-06 school year.

Assembly Amendment 1 to Assembly Substitute Amendment 1 to the bill changes item 1., above, to specify that only *three* counties may be approved to operate a county board charter school, and no more than *one* such charter school may be established in a county.

Legislative History

Assembly Amendment 1 to Assembly Substitute Amendment 1 to the bill was offered by the Assembly Committee on Education Reform, which then recommended adoption of Assembly Amendment 1 to the substitute amendment on a vote of Ayes, 13; Noes, 0. The committee recommended adoption of Assembly Substitute Amendment 1 (which had been introduced by Representative Ziegelbauer), as amended, on a vote of Ayes, 13; Noes, 0. The committee then recommended the bill, as amended, for passage on a vote of Ayes, 8; Noes, 5.

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