



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 253

Senate Substitute Amendment 1

Memo published: March 3, 2004

Contact: Joyce Kiel, Senior Staff Attorney (266-3137)

This memorandum describes Senate Substitute Amendment 1 to 2003 Senate Bill 253, relating to independent charter schools established by University of Wisconsin (UW) institutions.

Current Law

Under current law, in addition to charter schools established or contracted for by school boards, the UW-Milwaukee, the City of Milwaukee, and the Milwaukee Area Technical College may establish or contract for the establishment of independent charter schools (often referred to as (2r) charter schools after s. 118.40 (2r), Stats., which authorized their creation). Neither the number of these Milwaukee (2r) charter schools nor the number of pupils attending them is limited. A Milwaukee (2r) charter school must be located in the City of Milwaukee.

Under current law, the UW-Parkside also may establish or contract for the establishment of a (2r) charter school on a pilot basis. The UW-Parkside is limited to one charter school which may not operate high school grades and which may not have more than 400 pupils. The UW-Parkside's (2r) charter school must be located in a unified school district that is located in the county in which the UW-Parkside is located (Kenosha County) or in an adjacent county. (The UW-Parkside's (2r) charter school currently is located in the Racine Unified School District.)

Only pupils who reside in the school district in which a (2r) charter school is located may attend that (2r) charter school. In addition, other eligibility criteria apply to attend a Milwaukee (2r) charter school.

Senate Substitute Amendment 1 to Senate Bill 253

Senate Substitute Amendment 1 to the bill establishes a method by which five other four-year UW institutions may each establish or contract for the establishment of up to five (2r) charter schools. Specifically, the substitute amendment provides that:

1. Each four-year UW institution, other than the UW-Milwaukee and UW-Parkside, may request approval from the State Superintendent to establish or contract for the establishment of up to five (2r) charter schools. The State Superintendent must approve the first five requests and must maintain a waiting list of other UW institutions that made a request. (The UW-Parkside is not permitted to request such approval and, under the substitute amendment, would continue to be limited to one school on a pilot basis, as noted above.)
2. By March 1, 2005 (or by a different date specified by the State Superintendent for UW institutions on the waiting list), the chancellor of each approved UW institution must submit a charter school plan to the State Superintendent. The plan must describe: (a) the UW institution's plan for soliciting charter school proposals; (b) the UW institution's plan for monitoring its (2r) charter schools; and (c) how the UW institution intends to collaborate with school boards and state and local organizations to establish charter schools that encourage the development and implementation of innovative teaching methods and the improvement of the educational system. The State Superintendent must post the plans on the Department of Public Instruction's Internet site.

If an approved UW institution fails to submit its plan by the deadline for plan submission, that UW institution is prohibited from establishing or contracting for the establishment of a (2r) charter school. If this occurs, the State Superintendent must notify the remaining eligible UW institutions that the first to submit a plan with the required elements will be eligible to establish or contract for the establishment of up to five (2r) charter schools.

3. As under current law with respect to the UW-Milwaukee and UW-Parkside, the chancellor of a UW institution may not establish or contract for the establishment of a (2r) charter school without the approval of the UW System Board of Regents.
4. None of these UW institutions (that is, those other than the UW-Milwaukee and UW-Parkside) may begin operating a (2r) charter school before July 1, 2005.

The substitute amendment does not amend current law with respect to eligibility of a pupil to attend a (2r) charter school. As under current law, only pupils who reside in the school district in which a (2r) charter school is located may attend the charter school. However, in contrast to current law which places geographic limitations on where a Milwaukee (2r) charter school and UW-Parkside (2r) charter school may be located, the substitute amendment does not place geographic limits on where a (2r) charter school established or contracted for by a UW institution, other than the UW-Milwaukee or UW-Parkside, may be located.

Legislative History

Senate Bill 253 was introduced by Senator Darling and others; cosponsored by Representative Jensen and others. The Senate Committee on Education, Ethics, and Elections recommended its passage on a vote of Ayes, 5; Noes, 2. The bill was referred to the Joint Committee on Finance which introduced Senate Substitute Amendment 1 to the bill and recommended its adoption on a vote of Ayes, 14; Noes, 1. The Joint Committee on Finance then recommended the bill, as amended, for passage on a vote of Ayes, 11; Noes, 4. The Senate adopted Senate Substitute Amendment 1 on a voice vote and recommended passage of the bill, as amended, on a vote of Ayes, 18; Noes, 14. The Assembly Committee on Education Reform recommended concurrence on the amended bill on a vote of Ayes, 8; Noes, 4.