



State of Wisconsin
2013 - 2014 LEGISLATURE



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2013 ASSEMBLY BILL 549

December 9, 2013 – Introduced by Representatives KOOYENGA, KLEEFISCH, HUTTON, PRIDEMORE, SANFELIPPO and BALLWEG, cosponsored by Senators DARLING, VUKMIR, FARROW and GROTHMAN. Referred to Committee on Urban Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 118.40 (2), 118.40 (2r) (b) 1. c., 118.40 (2r) (b) 3., 118.40 (2r) (c)
2 1., 118.40 (2r) (c) 3., 118.40 (2r) (cm), 118.40 (3) (a), 118.40 (7) (am) 1., 3. and 4.,
3 118.40 (7) (ar) and 118.40 (8) (a) (intro.); **to renumber** 118.40 (8) (a) 1. and 2.;
4 **to renumber and amend** 118.40 (1), 118.40 (2r) (bm), 118.40 (2r) (c) 4., 118.40
5 (4) (a), 118.40 (7) (am) 2. and 118.51 (18); **to amend** 20.923 (6) (m), 40.02 (55)
6 (intro.), 40.02 (55) (a), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c),
7 115.001 (1), 115.415 (3) (a) (intro.), 115.77 (8), 118.40 (title), 118.40 (1m) (a),
8 118.40 (1m) (b) 1., 2., 7., 13. and 15., 118.40 (2m) (title), 118.40 (2m) (a), 118.40
9 (2m) (am), 118.40 (2m) (b), 118.40 (2r) (title), 118.40 (2r) (b) 1. (intro.), 118.40
10 (2r) (b) 1. b., 118.40 (2r) (b) 1. d., 118.40 (2r) (b) 2., 118.40 (2r) (b) 2m., 118.40 (2r)
11 (b) 4., 118.40 (2r) (d) (intro.), 118.40 (3) (b), 118.40 (3) (c) 1., 118.40 (3) (c) 2.,
12 118.40 (3) (e), 118.40 (4) (title), 118.40 (4) (b) (intro.), 118.40 (4) (c), 118.40 (5),
13 118.40 (6), 118.40 (7) (a), 119.60 (5), 121.02 (1) (a) 2., 230.08 (2) (dm), 230.35 (1s),
14 895.523 (1) (a) and 895.525 (5); **to repeal and recreate** 20.923 (6) (m), 111.815

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1 (1), 118.40 (1m) (title) and 118.40 (3) (title); and **to create** 118.40 (1b), 118.40
2 (1p), 118.40 (2r) (b) 1. bn., 118.40 (2r) (b) 1. cm., 118.40 (2r) (bg), 118.40 (2r) (bm)
3 3., 118.40 (2r) (bm) 5., 118.40 (3) (f), 118.40 (4) (ag), 118.40 (4) (d) and 118.40 (7)
4 (c) of the statutes; **relating to:** authorizing independent charter schools,
5 eliminating noninstrumentality charter schools, establishing magnet schools,
6 replication process for certain operators of charter schools, and utilizing an
7 alternative process for educator effectiveness.

Analysis by the Legislative Reference Bureau

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin (UW)-Milwaukee, UW-Parkside, Milwaukee Area Technical College, and the city of Milwaukee to establish charter schools directly or to contract for the operation of charter schools. This bill makes various changes to the manner in which charter schools are established, eliminates instrumentality charter schools, and authorizes school boards to establish magnet schools that also operate with fewer constraints than traditional public schools.

Charter schools; independent authorizers

A charter school established by an entity other than a school board is known as an independent charter school. Under current law, the only entities that may establish an independent charter school are UW-Milwaukee, UW-Parkside, Milwaukee Area Technical College district board, and the city of Milwaukee. This bill expands the entities that may establish independent charter schools (independent authorizers) to include all of the following:

1. All four-year UW institutions.
2. All two-year UW campuses.
3. Cooperative educational service agencies (CESA).
4. Technical college district boards.

Under current law, an independent authorizer may establish and operate a charter school or enter into a contract with an individual or group to operate a charter school. This bill eliminates the authority for an independent authorizer to directly establish and operate a charter school. The bill also prohibits an independent authorizer from contracting with a person to operate a charter school in a school district in which at least 80 percent of the number of public schools that received the highest level of performance on the latest school accountability report are located, unless the person first provides the school board of the school district an opportunity to contract to operate the proposed charter school.

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Current law includes certain restrictions on where an independent authorizer may establish a charter school. For example, the city of Milwaukee and the Milwaukee Area Technical College are authorized to establish charter schools only in the Milwaukee Public School District. Under the bill, each of the following independent authorizers is restricted to establishing charter schools only in the following geographic locations:

1. A four-year UW institution in the county in which the institution is located or in an adjacent county.
2. A two-year UW campus in the county in which the campus is located or in an adjacent county.
3. A CESA within the boundaries of the CESA.
4. A technical college district board, including the Milwaukee Area Technical College district board, in the technical college district or in a county adjacent to the district.
5. The city of Milwaukee in the Milwaukee Public School District.

Finally, under current law, subject to certain exceptions, a pupil is only permitted to attend an independent charter school that is located in the school district where the pupil resides. Under the bill, a pupil may attend any independent charter school, regardless of the pupil's residence or the location of the charter school.

Independent charter schools; replication

The bill creates a new process by which a person who has a proven track record of success for each charter school the person operates in this state may establish and operate additional independent charter schools. Under the bill, a person has a proven track record of success operating a charter school if during each of the two immediately preceding school years the total percentage of pupils attending the charter school who received a score of advanced or proficient on the state assessments for math and reading in all tested grades taught at the charter school is at least ten percentage points higher than the total percentage of pupils attending public schools in the school district where that charter school is located who received the same scores on the same assessments in the same grades. Under the bill, an independent authorizer who receives a letter of intent from a person with a proven track record of success with whom the independent authorizer has an existing contract must, at the person's request, contract with that person to operate up to two additional charter schools per school year. The bill specifies that a charter school established under this process is not a satellite or subsidiary campus of an existing charter school.

Charter schools; school boards

Under current law, there are two processes for a school board to establish a charter school: one is initiated by the school board and one is initiated by a petition signed by either ten percent of the teachers employed by the school district or 50 percent of the teachers employed at one school located in the school district. Current law also requires that information that is required to be included in such a petition is included in a contract to operate a charter school, regardless of how the charter school is established.

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This bill eliminates the petition process for a school board to establish a charter school and eliminates the requirement that a contract to operate a charter school include the petition information. The bill also eliminates the requirement under current law that, if a school board must hold a public hearing on a contract to establish a charter school, the school board must consider the level of employee support for the proposed charter school or the fiscal impact of the proposed charter school on the school district.

Under current law, subject to certain exceptions, a school board determines whether a charter school established by the school board is an instrumentality of the school district. If a charter school is an instrumentality of the school district, the school board must employ all personnel for the charter school. Under the bill, a charter school established by a school board is not an instrumentality of the school district and the school board is prohibited from employing any personnel for the charter school.

Magnet schools; school boards

This bill authorizes a school board to establish magnet schools, which are defined as schools that offer a special curriculum capable of attracting substantial numbers of students of different racial backgrounds. Under the bill, magnet schools are provided the same exemption from state education laws that charter schools are provided under current law. The processes to establish a magnet school are the same as the processes by which a school board may establish a charter school under current law. Additionally, a contract to operate a magnet school is subject to similar requirements and restrictions as a contract to operate a charter school, including that a contract to operate a magnet school may not be for a term that exceeds five school years. Finally, the bill requires that the school board employ all personnel for a magnet school.

Charter school governing boards

This bill requires that every charter school be operated by a governing board. The bill further provides that a charter school governing board has all powers necessary to carry out the terms of its contract to operate a charter school.

Educator effectiveness; alternative process

Current law directs the Department of Public Instruction (DPI) to develop a system to evaluate the effectiveness of teachers and principals in public schools, including independent charter schools. DPI must also promulgate rules establishing an equivalency process aligned with its evaluation system for a school district or independent charter school that wishes to use an alternative method of evaluating teachers and principals. This bill allows a charter school under contract with a school board that is not an instrumentality of the school district to use an alternative method of evaluating teachers and principals.

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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:

1 **SECTION 1.** 20.923 (6) (m) of the statutes is amended to read:

2 20.923 **(6)** (m) University of Wisconsin System: deans, principals, professors,
3 instructors, research assistants, librarians and other teachers, as defined in s. 40.02
4 (55), the staff of the environmental education board, and instructional staff
5 employed by the board of regents of the University of Wisconsin System who provide
6 services for a charter school established by contract under s. 118.40 (2r) (cm), 2011
7 stats.

8 **SECTION 2.** 20.923 (6) (m) of the statutes, as affected by 2011 Wisconsin Act 32
9 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

10 20.923 **(6)** (m) University of Wisconsin System: all positions, including the
11 chancellor of the University of Wisconsin-Madison, but not including any other
12 position assigned to the University of Wisconsin-Madison.

13 **SECTION 3.** 40.02 (55) (intro.) of the statutes is amended to read:

14 40.02 **(55)** (intro.) “Teacher” means any employee engaged in the exercise of any
15 educational function for compensation in the public schools, ~~including charter~~
16 ~~schools as defined in s. 115.001 (1) that are instrumentalities of a school district, or~~
17 the university in instructing or controlling pupils or students, or in administering,
18 directing, organizing or supervising any educational activity, but does not include
19 any employee determined to be an auxiliary instructional employee under s. 115.29
20 (3). “Teacher” includes the following:

21 **SECTION 4.** 40.02 (55) (a) of the statutes is amended to read:

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1 40.02 (55) (a) Any person employed as a librarian by any school board in a
2 library in any school under its jurisdiction, ~~including a charter school as defined in~~
3 ~~s. 115.001 (1) that is an instrumentality of a school district,~~ whose qualifications as
4 a librarian are at least equal to the minimum librarian qualifications prescribed by
5 the state superintendent of public instruction.

6 **SECTION 5.** 111.81 (7) (f) of the statutes is amended to read:

7 111.81 (7) (f) Instructional staff employed by the board of regents of the
8 University of Wisconsin System who provide services for a charter school established
9 by contract under s. 118.40 (2r) (cm), 2011 stats.

10 **SECTION 6.** 111.815 (1) of the statutes is amended to read:

11 111.815 (1) In the furtherance of this subchapter, the state shall be considered
12 as a single employer and employment relations policies and practices throughout the
13 state service shall be as consistent as practicable. The office shall negotiate and
14 administer collective bargaining agreements. To coordinate the employer position
15 in the negotiation of agreements, the office shall maintain close liaison with the
16 legislature relative to the negotiation of agreements and the fiscal ramifications of
17 those agreements. Except with respect to the collective bargaining unit specified in
18 s. 111.825 (2) (f), the office is responsible for the employer functions of the executive
19 branch under this subchapter, and shall coordinate its collective bargaining
20 activities with operating state agencies on matters of agency concern. The legislative
21 branch shall act upon those portions of tentative agreements negotiated by the office
22 that require legislative action. With respect to the collective bargaining unit
23 specified in s. 111.825 (2) (f), the governing board of the charter school established
24 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
25 functions under this subchapter.

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1 **SECTION 7.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32 and
2 2013 Wisconsin Act (this act), is repealed and recreated to read:

3 111.815 (1) In the furtherance of this subchapter, the state shall be considered
4 as a single employer and employment relations policies and practices throughout the
5 state service shall be as consistent as practicable. The office shall negotiate and
6 administer collective bargaining agreements. To coordinate the employer position
7 in the negotiation of agreements, the office shall maintain close liaison with the
8 legislature relative to the negotiation of agreements and the fiscal ramifications of
9 those agreements. Except with respect to the collective bargaining units specified
10 in s. 111.825 (1r) and (1t), the office is responsible for the employer functions of the
11 executive branch under this subchapter, and shall coordinate its collective
12 bargaining activities with operating state agencies on matters of agency concern.
13 The legislative branch shall act upon those portions of tentative agreements
14 negotiated by the office that require legislative action. With respect to the collective
15 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
16 of Wisconsin System is responsible for the employer functions under this subchapter.
17 With respect to the collective bargaining units specified in s. 111.825 (1t), the
18 chancellor of the University of Wisconsin-Madison is responsible for the employer
19 functions under this subchapter. With respect to the collective bargaining unit
20 specified in s. 111.825 (1r) (ef), the governing board of the charter school established
21 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
22 functions under this subchapter.

23 **SECTION 8.** 111.825 (2) (f) of the statutes is amended to read:

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1 111.825 (2) (f) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 by contract under s. 118.40 (2r) (cm), 2011 stats.

4 **SECTION 9.** 111.92 (1) (c) of the statutes is amended to read:

5 111.92 (1) (c) Any tentative agreement reached between the governing board
6 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
7 acting for the state, and any labor organization representing a collective bargaining
8 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
9 organization and approval by the chancellor of the University of
10 Wisconsin-Parkside, be executed by the parties.

11 **SECTION 10.** 115.001 (1) of the statutes is amended to read:

12 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
13 with a school board under s. 118.40 (2m) or with ~~one of the entities~~ an entity under
14 s. 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
15 ~~118.40 (2r) (b).~~

16 **SECTION 11.** 115.415 (3) (a) (intro.) of the statutes is amended to read:

17 115.415 (3) (a) (intro.) The department shall promulgate by rule an equivalency
18 process aligned with the evaluation system established under sub. (2) for a school
19 district, a charter school under contract with a school board that is not an
20 instrumentality of the school district, or a charter school established under s. 118.40
21 (2r) seeking to utilize an alternative process for the evaluation of teacher and
22 principal practice. The process under this subsection shall be based on the criteria
23 established in the 2011 Interstate Teacher Assessment and Support Consortium and
24 the 2008 Interstate School Leaders Licensure Consortium Educational Leadership
25 Policy Standards, and a school district, a charter school under contract with a school

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1 board that is not an instrumentality of the school district, or charter school
2 established under s. 118.40 (2r) that uses the process under this subsection shall
3 evaluate the performance of teachers in the following domains:

4 **SECTION 12.** 115.77 (8) of the statutes is amended to read:

5 115.77 (8) The local educational agency shall serve children with disabilities
6 who are attending a charter or magnet school under contract with the local
7 educational agency under s. 118.40 in the same manner as it serves children with
8 disabilities attending schools of the local educational agency, and shall provide funds
9 under this subchapter to such ~~charter~~ schools on the same basis as it provides funds
10 under this subchapter to schools of the local educational agency, including
11 proportional distribution based on enrollment of children with disabilities, and at
12 the same time as it distributes other federal funds to the agency's other schools.

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

14 **118.40** (title) **Charter schools and magnet schools.**

15 **SECTION 14.** 118.40 (1) of the statutes is renumbered 118.40 (1d) and amended
16 to read:

17 118.40 (1d) NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends
18 to establish a charter school or a magnet school, it shall notify the state
19 superintendent of its intention. Whenever one of the entities under sub. (2r) (b)
20 intends to establish a charter school, it shall notify the state superintendent of its
21 intention by February 1 of the previous school year. A notice under this subsection
22 shall include a description of the proposed school.

23 **SECTION 15.** 118.40 (1b) of the statutes is created to read:

24 118.40 (1b) DEFINITION. In this section, "magnet school" has the meaning given
25 in 20 USC 7231a.

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1 **SECTION 16.** 118.40 (1m) (title) of the statutes is repealed and recreated to read:
2 118.40 (1m) (title) MAGNET SCHOOLS; PETITION.

3 **SECTION 17.** 118.40 (1m) (a) of the statutes is amended to read:

4 118.40 (1m) (a) A written petition requesting the school board to establish a
5 ~~charter~~ magnet school under this section may be filed with the school district clerk.
6 The petition shall be signed by at least 10% of the teachers employed by the school
7 district or by at least 50% of the teachers employed at one school of the school district.

8 **SECTION 18.** 118.40 (1m) (b) 1., 2., 7., 13. and 15. of the statutes are amended
9 to read:

10 118.40 (1m) (b) 1. The name of the person who is seeking to establish the
11 ~~charter~~ school.

12 2. The name of the person who will be in charge of the ~~charter~~ school and the
13 manner in which administrative services will be provided.

14 7. Subject to ~~sub. (7) (a) and (am) and~~ ss. 118.19 (1) and 121.02 (1) (a) 2., the
15 qualifications that must be met by the individuals to be employed in the school.

16 13. The public school alternatives for pupils who reside in the school district
17 and do not wish to attend or are not admitted to the ~~charter~~ school.

18 15. The effect of the establishment of the ~~charter~~ school on the liability of the
19 school district.

20 **SECTION 19.** 118.40 (1p) of the statutes is created to read:

21 118.40 (1p) MAGNET SCHOOLS; GRANTING OF PETITION OR SCHOOL BOARD INITIATIVE.

22 (a) 1. Within 30 days after receiving a petition under sub. (1m), a school board shall
23 hold a public hearing on the petition. At the hearing, the school board shall consider
24 the level of employee and parental support for the establishment of the magnet
25 school described in the petition and the fiscal impact of the establishment of the

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1 magnet school on the school district. After the hearing, the school board may grant
2 the petition. The school board of the school district operating under ch. 119 shall
3 either grant or deny the petition within 30 days after the public hearing. If the school
4 board of the school district operating under ch. 119 denies a petition, the person
5 seeking to establish the magnet school may, within 30 days after the denial, appeal
6 the denial to the department. The department shall issue a decision within 30 days
7 after receiving the appeal. The department's decision is final and not subject to
8 judicial review under ch. 227.

9 2. If a school board grants a petition under this paragraph, the school board
10 shall contract with the person named in the petition under sub. (1m) (b) 1. to operate
11 the school as a magnet school under this section. The contract shall include all of the
12 provisions specified in the petition and may include other provisions agreed to by the
13 parties.

14 (b) 1. A school board may on its own initiative contract with a person to operate
15 a school as a magnet school. The contract shall include all of the provisions specified
16 under sub. (1m) (b) and may include other provisions agreed to by the parties.

17 2. At least 30 days before entering into a contract under this paragraph that
18 would convert a private school to a magnet school, the school board shall hold a public
19 hearing on the contract. At the hearing, the school board shall consider the level of
20 employee and parental support for the establishment of the magnet school and the
21 fiscal impact of the establishment of the magnet school on the school district.

22 (c) A school board may not enter into a contract under this subsection that
23 would result in the conversion of all of the public schools in the school district to
24 magnet schools unless the school board provides alternative public school

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1 attendance arrangements for pupils who do not wish to attend or are not admitted
2 to a magnet school.

3 (d) A school board that enters into a contract to establish a magnet school under
4 this subsection shall employ all personnel for the magnet school.

5 **SECTION 20.** 118.40 (2) of the statutes is repealed.

6 **SECTION 21.** 118.40 (2m) (title) of the statutes is amended to read:

7 118.40 (2m) (title) ~~SCHOOL~~ CHARTER SCHOOLS; SCHOOL BOARD INITIATIVE.

8 **SECTION 22.** 118.40 (2m) (a) of the statutes is amended to read:

9 118.40 (2m) (a) A school board may on its own initiative contract with a person
10 to operate a school as a charter school. ~~The contract shall include all of the provisions~~
11 ~~specified under sub. (1m) (b) and may include other provisions agreed to by the~~
12 ~~parties.~~

13 **SECTION 23.** 118.40 (2m) (am) of the statutes is amended to read:

14 118.40 (2m) (am) At least 30 days before entering in a contract under this
15 subsection ~~that would convert a private school to a charter school or that would to~~
16 ~~establish a charter school that is not an instrumentality of the school district, the~~
17 school board shall hold a public hearing on the contract. At the hearing, the school
18 board shall consider the level of ~~employee and~~ parental support for the establishment
19 of the charter school ~~and the fiscal impact of the establishment of the charter school~~
20 ~~on the school district.~~

21 **SECTION 24.** 118.40 (2m) (b) of the statutes is amended to read:

22 118.40 (2m) (b) A school board may ~~not~~ enter into a contract under par. (a) that
23 would result in the conversion of all of the public schools in the school district to
24 charter schools ~~unless the school board complies with sub. (2) (b) 2. if the school board~~

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1 provides alternative public school attendance arrangements for pupils who do not
2 wish to attend or are not admitted to a charter school.

3 **SECTION 25.** 118.40 (2r) (title) of the statutes is amended to read:

4 118.40 (2r) (title) ~~OTHER~~ CHARTER SCHOOLS; OTHER INITIATIVES.

5 **SECTION 26.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

6 118.40 (2r) (b) 1. (intro.) ~~All~~ Subject to par. (bg), any of the following entities
7 ~~may establish by charter and operate a charter school or, on behalf of their respective~~
8 ~~entities, may initiate a contract with an individual or group~~ a person to operate ~~a~~
9 ~~school as a charter school:~~

10 **SECTION 27.** 118.40 (2r) (b) 1. b. of the statutes is amended to read:

11 118.40 (2r) (b) 1. b. The chancellor of ~~the~~ an institution within the University
12 of ~~Wisconsin-Milwaukee~~ Wisconsin System except for the chancellor of the
13 University of Wisconsin Colleges.

14 **SECTION 28.** 118.40 (2r) (b) 1. bn. of the statutes is created to read:

15 118.40 (2r) (b) 1. bn. The dean appointed under s. 36.09 (1) (e) of a college
16 campus within the University of Wisconsin System.

17 **SECTION 29.** 118.40 (2r) (b) 1. c. of the statutes is repealed.

18 **SECTION 30.** 118.40 (2r) (b) 1. cm. of the statutes is created to read:

19 118.40 (2r) (b) 1. cm. The board of control of a cooperative educational service
20 agency.

21 **SECTION 31.** 118.40 (2r) (b) 1. d. of the statutes is amended to read:

22 118.40 (2r) (b) 1. d. ~~The Milwaukee area~~ A technical college district board.

23 **SECTION 32.** 118.40 (2r) (b) 2. of the statutes is amended to read:

24 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
25 ~~sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under~~

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1 ~~sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter~~
2 ~~school on the liability of the contracting entity under this paragraph. The contract~~
3 ~~may include other provisions agreed to by the parties. The chancellor of the~~
4 ~~University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may~~
5 ~~not establish or enter into a contract for the establishment of a charter school under~~
6 ~~this paragraph without the approval of the board of regents of the University of~~
7 ~~Wisconsin System.~~

8 **SECTION 33.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

9 118.40 (2r) (b) 2m. a. A ~~charter or~~ contract may include grounds for expelling
10 a pupil from the charter school.

11 b. If the ~~charter or~~ contract includes grounds for expelling a pupil from the
12 charter school as permitted under subd. 2m. a., the ~~charter or~~ contract shall include
13 the procedures to be followed by the charter school prior to expelling a pupil.

14 **SECTION 34.** 118.40 (2r) (b) 3. of the statutes is repealed.

15 **SECTION 35.** 118.40 (2r) (b) 4. of the statutes is amended to read:

16 118.40 (2r) (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may
17 ~~establish or~~ enter into a contract for the establishment of a virtual charter school.

18 **SECTION 36.** 118.40 (2r) (bg) of the statutes is created to read:

19 118.40 (2r) (bg) An entity under par. (b) 1. may not contract with a person to
20 operate a charter school in a school district in which at least 80 percent of the number
21 of public schools that received the highest level of performance on the most recent
22 school accountability report under s. 115.385 are located unless the person first
23 provides written notice of the person's intent to operate a charter school in the school
24 district that includes the proposed location of the charter school, the proposed grades
25 that will be taught at the proposed charter school, and the members of the governing

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1 board that will govern the proposed charter school to the school board of that school
2 district and one of the following occurs:

3 1. The school board provides written notice to the person that the school board
4 will not contract with the person to operate the proposed charter school.

5 2. The school board provides written notice to the person that the school board
6 will contract with the person to operate the proposed charter school but the parties
7 are unable to negotiate a contract that is acceptable to both parties within 30 days
8 of the school board's written notice of the school board's intent to contract.

9 3. The school board fails to provide written notice to the person of whether the
10 school board will contract with the person to operate the proposed charter school
11 within 30 days of receiving a notice under this paragraph of the person's intent to
12 operate a charter school in the school district.

13 **SECTION 37.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
14 20, is renumbered 118.40 (2r) (bm) 1. and amended to read:

15 118.40 **(2r)** (bm) 1. The common council of the city of Milwaukee and the
16 ~~Milwaukee area technical college district board~~ may establish or enter into a
17 contract for the establishment of a charter school located only in the school district
18 operating under ch. 119.

19 2. The chancellor of an institution within the University of
20 ~~Wisconsin-Milwaukee Wisconsin System~~ may establish or enter into a contract for
21 the establishment of a charter school located only in Milwaukee County the county
22 in which the institution is located or in an adjacent county. ~~The chancellor of the~~
23 ~~University of Wisconsin-Parkside~~

24 4. A technical college district board may only establish or enter into a contract
25 for the establishment of a charter school located in a unified school district that is

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1 located only in the county in which the University of Wisconsin-Parkside is situated
2 technical college district or in an a county adjacent county to the district.

3 **SECTION 38.** 118.40 (2r) (bm) 3. of the statutes is created to read:

4 118.40 (2r) (bm) 3. The dean of a college campus within the University of
5 Wisconsin System may contract for the establishment of a charter school that is
6 located only in the county in which the college campus is located or in an adjacent
7 county.

8 **SECTION 39.** 118.40 (2r) (bm) 5. of the statutes is created to read:

9 118.40 (2r) (bm) 5. The board of control of a cooperative educational service
10 agency may contract for the establishment of a charter school that is located only
11 within the boundaries of the agency.

12 **SECTION 40.** 118.40 (2r) (c) 1. of the statutes, as affected by 2013 Wisconsin Act
13 20, is repealed.

14 **SECTION 41.** 118.40 (2r) (c) 3. of the statutes is repealed.

15 **SECTION 42.** 118.40 (2r) (c) 4. of the statutes, as created by 2013 Wisconsin Act
16 20, is renumbered 118.40 (2r) (c) and amended to read:

17 118.40 (2r) (c) A pupil who ~~resides in Milwaukee County or in an adjacent~~
18 ~~county~~ may attend any charter school established under this subsection in
19 ~~Milwaukee County or in an adjacent county~~.

20 **SECTION 43.** 118.40 (2r) (cm) of the statutes is repealed.

21 **SECTION 44.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

22 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
23 do all of the following:

24 **SECTION 45.** 118.40 (3) (title) of the statutes is repealed and recreated to read:

25 118.40 (3) (title) CHARTER SCHOOLS AND MAGNET SCHOOLS; CONTRACT.

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1 **SECTION 46.** 118.40 (3) (a) of the statutes is repealed.

2 **SECTION 47.** 118.40 (3) (b) of the statutes is amended to read:

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

7 **SECTION 48.** 118.40 (3) (c) 1. of the statutes is amended to read:

8 118.40 (3) (c) 1. A school board may not enter into a contract for the
9 establishment of a charter school or magnet school located outside the school district,
10 except as follows:

11 a. If 2 or more school boards enter into an agreement under s. 66.0301 to
12 establish a charter school or magnet school, the ~~charter~~ school shall be located within
13 one of the school districts.

14 b. If one or more school boards enter into an agreement with the board of control
15 of a cooperative educational service agency to establish a charter school or magnet
16 school, the ~~charter~~ school shall be located within the boundaries of the cooperative
17 educational service agency.

18 c. If a school board enters into an agreement with a federally recognized
19 American Indian tribe or band in this state to establish a charter school or magnet
20 school, the ~~charter~~ school shall be located within the school district or within the
21 boundaries of the tribe's or band's reservation.

22 **SECTION 49.** 118.40 (3) (c) 2. of the statutes is amended to read:

23 118.40 (3) (c) 2. A school board may not enter into a contract that would result
24 in the conversion of a private, sectarian school to a charter school or a magnet school.

25 **SECTION 50.** 118.40 (3) (e) of the statutes is amended to read:

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1 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
2 charter school under this section, a school board or entity specified under sub. (2r)
3 (b) shall consider the principles and standards for quality charter schools established
4 by the National Association of Charter School Authorizers.

5 **SECTION 51.** 118.40 (3) (f) of the statutes is created to read:

6 118.40 (3) (f) 1. In this paragraph, a person has a proven track record of success
7 if, during each of the 2 immediately preceding school years, a person operated a
8 charter school in which the total percentage of pupils attending the charter school
9 who received a score of advanced or proficient on the state assessments for math and
10 reading under ss. 118.30 and 121.02 (1) (r), or on alternate assessments for math or
11 reading under individualized education programs, in all tested grades is at least 10
12 percentage points greater than the total percentage of pupils attending public
13 schools operated by the school board that governs the school district in which the
14 charter school is located who received the same scores on the same assessments in
15 the same grades.

16 2. Subject to subd. 4., an entity under sub. (2r) (b) 1. that has contracted with
17 a person to operate a charter school shall, upon receiving a letter of intent under
18 subd. 3. from the person, amend the existing contract or enter into a new contract
19 with the person to authorize the person to operate one or more additional charter
20 schools if the person has a proven track record of success for each charter school the
21 person operates in this state.

22 3. To operate an additional charter school under subd. 2., a person must submit
23 to the entity under sub. (2r) (b) 1. a letter of intent that includes all of the following:

- 24 a. The date on which instruction will begin at each additional charter school.
25 b. The general location of each additional charter school.

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1 c. A description of any potential facility that may be used by each additional
2 charter school, including the approximate number of pupils that each facility may
3 safely accommodate.

4 d. Evidence demonstrating that the person has a proven track record of success
5 for each charter school the person operates in this state.

6 4. An entity under sub. (2r) (b) 1. shall authorize a person to operate no more
7 than 2 additional charter schools per school year under this paragraph, unless the
8 parties agree to more than 2.

9 5. An additional charter school authorized under this paragraph is not a
10 satellite or subsidiary campus of the charter school for which the operator
11 demonstrated a proven track record of success under subd. 2. and is considered an
12 individual school for funding purposes.

13 **SECTION 52.** 118.40 (4) (title) of the statutes is amended to read:

14 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND
15 RESTRICTIONS.

16 **SECTION 53.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and
17 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

18 118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of
19 the following:

20 **SECTION 54.** 118.40 (4) (ag) of the statutes is created to read:

21 118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a
22 governing board that is a party to the contract with the authorizing entity.

23 **SECTION 55.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

24 118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not
25 do any of the following:

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1 **SECTION 56.** 118.40 (4) (c) of the statutes is amended to read:

2 118.40 (4) (c) *Single-sex schools and courses.* A school board may enter into a
3 contract for, and an entity under sub. (2r) may ~~establish or enter into a~~ contract for,
4 the establishment of a charter school that enrolls only one sex or that provides one
5 or more courses that enroll only one sex if the school board or entity under sub. (2r)
6 makes available to the opposite sex, under the same policies and criteria of
7 admission, schools or courses that are comparable to each such school or course.

8 **SECTION 57.** 118.40 (4) (d) of the statutes is created to read:

9 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school
10 governing board has all the powers necessary to carry out the terms of its contract,
11 including the following:

- 12 1. To receive and disburse funds for school purposes.
- 13 2. To incur debt.
- 14 3. To enter into contracts and leases.
- 15 4. To pledge, assign, or encumber its assets to be used as collateral for loans or
16 extensions of credit.
- 17 5. To acquire real property for its use.
- 18 6. To sue and be sued in its own name.

19 **SECTION 58.** 118.40 (5) of the statutes is amended to read:

20 118.40 (5) CHARTER SCHOOLS AND MAGNET SCHOOLS; REVOCATION. A ~~charter~~
21 contract under sub. (1p), (2m), or (2r) may be revoked by the school board or the entity
22 under sub. (2r) (b) that contracted with the charter or magnet school if the school
23 board or, if applicable, the entity under sub. (2r) (b) finds that any of the following
24 occurred:

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1 (a) The charter school or magnet school violated its contract with the school
2 board or the entity under sub. (2r) (b).

3 (b) The pupils enrolled in the charter school or magnet school failed to make
4 sufficient progress toward attaining the educational goals under s. 118.01.

5 (c) The charter school or magnet school failed to comply with generally accepted
6 accounting standards of fiscal management.

7 (d) The charter school or magnet school violated this section.

8 **SECTION 59.** 118.40 (6) of the statutes is amended to read:

9 118.40 (6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter
10 school or a magnet school without his or her approval, if the pupil is an adult, or the
11 approval of his or her parents or legal guardian, if the pupil is a minor.

12 **SECTION 60.** 118.40 (7) (a) of the statutes is amended to read:

13 118.40 (7) (a) ~~Except as provided in par. (am), the school board of the school~~
14 ~~district in which a charter school is located shall determine whether or not the A~~
15 ~~charter school established under sub. (2m) is not an instrumentality of the school~~
16 ~~district. If the school board determines that the charter school is an instrumentality~~
17 ~~of the school district, the school board shall employ all personnel for the charter~~
18 ~~school. If the school board determines that the charter school is not an~~
19 ~~instrumentality of the school district, and the school board may not employ any~~
20 ~~personnel for the charter school.~~

21 **SECTION 61.** 118.40 (7) (am) 1., 3. and 4. of the statutes are repealed.

22 **SECTION 62.** 118.40 (7) (am) 2. of the statutes is renumbered 118.40 (7) (am) and
23 amended to read:

24 118.40 (7) (am) A charter school established under sub. (2r) ~~or a private school~~
25 ~~located in the school district operating under ch. 119 that is converted to a charter~~

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1 school is not an instrumentality of any school district and no school board may
2 employ any personnel for the charter school. If the chancellor of ~~the~~ an institution
3 or the dean of a college campus within the University of Wisconsin-Parkside
4 Wisconsin System contracts for the establishment of a charter school under sub. (2r),
5 the board of regents of the University of Wisconsin System may employ instructional
6 staff for the charter school. If a technical college district board contracts for the
7 establishment of a charter school under sub. (2r), the technical college district board
8 may employ instructional staff for the charter school. If the board of control of a
9 cooperative educational service agency contracts for the establishment of a charter
10 school under sub. (2r), the board of control may employ instructional staff for the
11 charter school.

12 **SECTION 63.** 118.40 (7) (ar) of the statutes, as affected by 2013 Wisconsin Act
13 20, is repealed.

14 **SECTION 64.** 118.40 (7) (c) of the statutes is created to read:

15 118.40 (7) (c) Chapters 115 to 121, other than this section, do not apply to
16 magnet schools unless one of the following applies:

17 1. The provision explicitly applies to magnet schools.

18 2. The provision explicitly applies to charter schools unless the provision
19 applies only to charter schools established under sub. (2r).

20 **SECTION 65.** 118.40 (8) (a) (intro.) of the statutes is repealed.

21 **SECTION 66.** 118.40 (8) (a) 1. and 2. of the statutes are renumbered 118.51 (18)
22 (a) and (b).

23 **SECTION 67.** 118.51 (18) of the statutes is renumbered 118.51 (18) (intro.) and
24 amended to read:

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1 118.51 (18) LOCATION OF VIRTUAL CHARTER SCHOOLS. (intro.) For purposes of this
2 section, a virtual charter school is located in the following school district specified in
3 s. ~~118.40 (8) (a)~~:

4 **SECTION 68.** 119.60 (5) of the statutes is amended to read:

5 119.60 (5) For any lease of city-owned property used for school purposes in
6 effect on January 1, 2011, between the board and a charter school that is not an
7 instrumentality of the school district ~~under s. 118.40 (7)~~, the common council shall
8 be made party to the lease and may negotiate with the charter school to modify the
9 terms of the lease when the lease is modified, extended, or renewed if the common
10 council adopts a resolution to do so. If a lease is modified, extended, or renewed as
11 provided in this subsection, the net proceeds of that lease shall be deposited in the
12 school operations fund under s. 119.46.

13 **SECTION 69.** 121.02 (1) (a) 2. of the statutes, as affected by 2013 Wisconsin Act
14 20, is amended to read:

15 121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional
16 staff of charter schools located in the school district hold a license or permit to teach
17 issued by the department. For purposes of this subdivision, a virtual charter school
18 is located in the school district specified in s. ~~118.40 (8) (a)~~ 118.51 (18) and a charter
19 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified
20 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining
21 “instructional staff” for purposes of this subdivision.

22 **SECTION 70.** 230.08 (2) (dm) of the statutes is amended to read:

23 230.08 (2) (dm) Instructional staff employed by the board of regents of the
24 University of Wisconsin System who provide services for a charter school established
25 by contract under s. 118.40 (2r) (cm), 2011 stats.

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1 **SECTION 71.** 230.35 (1s) of the statutes is amended to read:

2 230.35 (1s) Annual leave of absence with pay for instructional staff employed
3 by the board of regents of the University of Wisconsin System who provide services
4 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
5 shall be determined by the governing board of the charter school established by
6 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the
7 University of Wisconsin-Parkside.

8 **SECTION 72.** 895.523 (1) (a) of the statutes is amended to read:

9 895.523 (1) (a) "Governing body of a charter school" means the person that
10 operates a charter school established under s. 118.40 (~~2~~) (1p) or (2m), or the entity
11 that operates a charter school established under s. 118.40 (2r).

12 **SECTION 73.** 895.525 (5) of the statutes is amended to read:

13 895.525 (5) EFFECT ON RELATED PROVISIONS. Nothing in this section affects the
14 limitation of property owners' liability under s. 895.52 or the limitation of school
15 districts' liability, of school boards' liability, and of liability of governing bodies of
16 charter schools or magnet schools under s. 895.523.

17 **SECTION 74. Initial applicability.**

18 (1) CHARTER SCHOOL CONTRACTS. The treatment of sections 40.02 (55) (intro.)
19 and (a), 115.001 (1), 118.40 (2m) (a), (2r) (b) 1. (intro.) and (bg), (3) (f), (4) (ag) and (d),
20 and (7) (a), (am) 1., 2., 3., and 4., and (ar) of the statutes first applies to a contract
21 for the establishment of a charter school that is entered into, modified, or renewed
22 on the effective date of this subsection.

23 **SECTION 75. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

