

State of Wisconsin



2021 Assembly Bill 968

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 118.40 (2r) (e) 2p. (intro.), 118.40 (2r) (fm) 1. (intro.), 118.40 (2r) (g) 1. a., 118.40 (2r) (g) 1. bf., 118.40 (3) (f) 1., 121.07 (2) (d) and 121.90 (1) (g); and *to create* 15.07 (1) (a) 7., 15.375 (3), 118.40 (2r) (b) 1. i. and 227.01 (13) (sm) of the statutes; **relating to:** creating a Charter School Authorizing Board and allowing the board to authorize independent charter schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.07 (1) (a) 7. of the statutes is created to read:

15.07 (1) (a) 7. Members of the charter school authorizing board appointed under s. 15.375 (3) (a) shall be appointed as provided in that section.

SECTION 2. 15.375 (3) of the statutes is created to read:

15.375 (3) CHARTER SCHOOL AUTHORIZING BOARD. (a) There is created a charter school authorizing board attached to the department of public instruction under s. 15.03. The board shall consist of the state superintendent of public instruction or his or her designee and the following members appointed for 4-year terms:

1. Two members appointed by the governor, at least one of whom has served on the governing board of a charter school under s. 118.40 (2r), has been employed by a charter school under s. 118.40 (2r), or has served on the governing body of an entity specified in s. 118.40 (2r) (b) 1.

2. Two members, who are not legislators, appointed by the senate majority leader.

3. One member, who is not a legislator, appointed by the senate minority leader.

4. Two members, who are not legislators, appointed by the speaker of the assembly.

5. One member, who is not a legislator, appointed by the assembly minority leader.

6. Two members appointed by the state superintendent of public instruction who have served on the governing board of a charter school under s. 118.40 (2r), have been employed by a charter school under s. 118.40 (2r), or have served on the governing body of an entity specified in s. 118.40 (2r) (b) 1.

(b) The appointing authorities under par. (a) 1. to 6. shall ensure to the extent feasible that members appointed to the charter school authorizing board are geographically diverse and have experience and expertise in governing public and nonprofit organizations; in management and finance; in public school leadership, assessment, and curriculum and instruction; and in education law; and understand and are committed to the use of charter schools to strengthen public education.

(c) No member of the charter school authorizing board appointed under par. (a) 1. to 6. may serve more than 2 consecutive terms.

(d) The charter school authorizing board does not have rule-making authority.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 3. 118.40 (2r) (b) 1. i. of the statutes is created to read:

118.40 (2r) (b) 1. i. The charter school authorizing board.

SECTION 4. 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

118.40 (2r) (e) 2p. (intro.) In the 2015–16 school year and in each school year thereafter, for a pupil attending a charter school established by or under a contract with an entity under par. (b) 1. a. to f. and i., from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, if positive. The change in the statewide categorical aid per pupil shall be determined as follows:

SECTION 5. 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. and i., 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 6. 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.~~ or i. in that school year.

SECTION 7. 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.~~ or i. in that school year.

SECTION 8. 118.40 (3) (f) 1. of the statutes is amended to read:

118.40 (3) (f) 1. A contract with a school board, an entity under sub. (2r) (b) 1. a. ~~to h.~~, or the director under

sub. (2x) may provide for the establishment of more than one charter school, and, except as provided in subd. 2., a charter school governing board may enter into more than one contract with a school board, an entity under sub. (2r) (b) l., or the director under sub. (2x).

SECTION 9. 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.~~ or i. in the previous school year.

SECTION 10. 121.90 (1) (g) of the statutes is amended to read:

121.90 (1) (g) In the 2017–18 school year and in each school year thereafter, the “number of pupils enrolled” shall include the total number of pupils residing in the school district who on the 3rd Friday of September of each appropriate school year attend a charter school established under a contract with an entity under s. 118.40 (2r) (b) 1. e. to ~~h.~~ i. or a charter school established under a contract with the director under s. 118.40 (2x).

SECTION 11. 227.01 (13) (sm) of the statutes is created to read:

227.01 (13) (sm) Is a standard or statement of policy adopted by the charter school authorizing board.

SECTION 12. Nonstatutory provisions.

(1) CHARTER SCHOOL AUTHORIZING BOARD; STAGGERING OF TERMS. Notwithstanding the length of terms specified for members of the charter school authorizing board under s. 15.375 (3) (a) (intro.), the initial members appointed to the board under s. 15.375 (3) (a) shall be appointed as follows:

(a) The initial members under s. 15.375 (3) (a) 1. shall be appointed for terms expiring on May 1, 2025.

(b) The initial members under s. 15.375 (3) (a) 2. shall be appointed for terms expiring on May 1, 2027.

(c) The initial member under s. 15.375 (3) (a) 3. shall be appointed for a term expiring on May 1, 2027.

(d) The initial members under s. 15.375 (3) (a) 4. shall be appointed for terms expiring on May 1, 2025.

(e) The initial member under s. 15.375 (3) (a) 5. shall be appointed for a term expiring on May 1, 2025.

(f) The initial members under s. 15.375 (3) (a) 6. shall be appointed for terms expiring on May 1, 2027.

SECTION 13. Effective date.

(1) This act takes effect on July 1, 2023.