



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5985/1  
KRP:amn

## 2021 ASSEMBLY BILL 968

February 8, 2022 - Introduced by Representatives WITKE, THIESFELDT, DITTRICH, BRANDTJEN, GUNDRUM, KNODL, MACCO, MAGNAFICI and ROZAR, cosponsored by Senators DARLING, ROTH, STROEBEL, WANGGAARD and BALLWEG. Referred to Committee on Education.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school board, the Office of Educational Opportunity in the UW System, the City of Milwaukee, the chancellor of an institution in the UW System, a technical college district board, the county executive of Waukesha County, the college of Menominee Nation, and the Lac Courte Oreilles Ojibwa community college may contract with a person to operate a charter school. Those entities are commonly referred to as charter school authorizers, and a charter school established by a charter school authorizer other than a school board is known as an independent charter school.

This bill creates the Charter School Authorizing Board, attached to the Department of Public Instruction, and expands the entities that may establish independent charter schools to include the CSAB.

The CSAB consists of the state superintendent of public instruction, two members appointed by the state superintendent, two members appointed by the governor, and six members, who are not legislators, appointed by the leaders in the senate and assembly. The bill specifies that no appointed member of the CSAB may

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serve more than two consecutive terms. The bill prohibits the CSAB from promulgating rules and provides that any standard or statement of policy adopted by the CSAB is exempt from the rule-making process.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           15.07 (1) (a) 7. Members of the charter school authorizing board appointed  
3 under s. 15.375 (3) (a) shall be appointed as provided in that section.

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

5           15.375 (3) CHARTER SCHOOL AUTHORIZING BOARD. (a) There is created a charter  
6 school authorizing board attached to the department of public instruction under s.  
7 15.03. The board shall consist of the state superintendent of public instruction or his  
8 or her designee and the following members appointed for 4-year terms:

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

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

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

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

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

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

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

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

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

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

15          118.40 **(2r)** (b) 1. i. The charter school authorizing board.

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

17          118.40 **(2r)** (e) 2p. (intro.) In the 2015-16 school year and in each school year  
18          thereafter, for a pupil attending a charter school established by or under a contract  
19          with an entity under par. (b) 1. a. to f. and i., from the appropriation under s. 20.255  
20          (2) (fm), the department shall pay to the operator of the charter school an amount  
21          equal to the sum of the amount paid per pupil under this paragraph in the previous  
22          school year; the amount of the per pupil revenue limit adjustment under s. 121.91  
23          (2m) for the current school year, if positive; and the change in the amount of  
24          statewide categorical aid per pupil between the previous school year and the current

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1 school year, if positive. The change in the statewide categorical aid per pupil shall  
2 be determined as follows:

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

4 118.40 **(2r)** (fm) 1. (intro.) Beginning in the 2018-19 school year, in addition to  
5 the payment under par. (e) and subject to subd. 3., for a pupil attending summer  
6 school at a charter school established by or under a contract with an entity under par.  
7 (b) 1. a. to f. and i., the department shall pay to the operator of the charter school, in  
8 the manner described in par. (e) 3m., an amount determined as follows:

9 **SECTION 6.** 118.40 (2r) (g) 1. a. of the statutes is amended to read:

10 118.40 **(2r)** (g) 1. a. Determine the number of pupils residing in the school  
11 district for whom a payment is made under par. (e) to an operator of a charter school  
12 established under contract with an entity under par. (b) 1. e., eg., ~~or f.~~ or i. in that  
13 school year.

14 **SECTION 7.** 118.40 (2r) (g) 1. bf. of the statutes is amended to read:

15 118.40 **(2r)** (g) 1. bf. Identify the pupils residing in the school district for whom  
16 a payment is made under par. (fm) to an operator of a charter school established  
17 under contract with an entity under par. (b) 1. e. ~~or f.~~ or i. in that school year.

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

19 118.40 **(3)** (f) 1. A contract with a school board, an entity under sub. (2r) (b) 1.  
20 ~~a. to h.~~, or the director under sub. (2x) may provide for the establishment of more than  
21 one charter school, and, except as provided in subd. 2., a charter school governing  
22 board may enter into more than one contract with a school board, an entity under  
23 sub. (2r) (b) 1., or the director under sub. (2x).

24 **SECTION 9.** 121.07 (2) (d) of the statutes is amended to read:

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1           21.07 (2) (d) The number of pupils residing in the school district in the  
2 previous school year for whom a payment was made under s. 118.40 (2r) (e) to an  
3 operator of a charter school established under contract with an entity under s. 118.40  
4 (2r) (b) 1. e., eg., or f., or i. in the previous school year.

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

6           21.90 (1) (g) In the 2017-18 school year and in each school year thereafter, the  
7 “number of pupils enrolled” shall include the total number of pupils residing in the  
8 school district who on the 3rd Friday of September of each appropriate school year  
9 attend a charter school established under a contract with an entity under s. 118.40  
10 (2r) (b) 1. e. to ~~h.~~ i. or a charter school established under a contract with the director  
11 under s. 118.40 (2x).

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

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

15           **SECTION 12. Nonstatutory provisions.**

16           (1) CHARTER SCHOOL AUTHORIZING BOARD; STAGGERING OF TERMS. Notwithstanding  
17 the length of terms specified for members of the charter school authorizing board  
18 under s. 15.375 (3) (a) (intro.), the initial members appointed to the board under s.  
19 15.375 (3) (a) shall be appointed as follows:

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

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

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

