



WISCONSIN LEGISLATIVE COUNCIL  
REPORT TO THE LEGISLATURE

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SPECIAL COMMITTEE ON  
CHARTER SCHOOLS

December 13, 2007

RL 2007-16



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# Special Committee on Charter Schools

Prepared by:  
Russ Whitesel and Joyce L. Kiel, Senior Staff Attorneys  
December 13, 2007

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## CONTENTS

<b>PART I - NO RECOMMENDATION .....</b>	<b>3</b>
<b>PART II - COMMITTEE ACTIVITY.....</b>	<b>5</b>
Assignment.....	5
Summary of Meetings.....	5
Appendix 1 - List of Joint Legislative Council Members.....	7
Appendix 2 - List of Committee Members.....	9
Appendix 3 - Committee Materials List.....	11



# **PART I**

## **NO RECOMMENDATION**

The Special Committee on Charter Schools has permanently adjourned. The Special Committee makes no recommendation.

The Special Committee held five meetings. The first two focused on receiving background information and recommendations for amending charter school law. The next two meetings focused on developing and reviewing preliminary bill drafts that would expand the number of entities authorized to create independent charter schools and create an appeals process for decisions relating to denial of a charter request and nonrenewal of an existing charter.

A preliminary bill draft (WLC: 0087/1) was prepared for consideration at a fifth meeting. The bill draft would have done the following:

- Permitted the following additional entities to establish independent charter schools: all University of Wisconsin campuses (including two-year college campuses); all technical college district boards; cooperative educational service agencies; and accredited private colleges and universities.
- Created a process to request that a charter school be established.
- Created a process to appeal a decision not to establish a charter school or not to renew a charter.

On June 12, 2007, the Joint Legislative Council adopted a motion to give the committee until July 15, 2007 to complete its work and to dissolve the committee if its work was not completed by that date.

The fifth meeting of the committee was held on June 25, 2007 to consider WLC: 0087/1. Because a quorum was not present, the committee could take no action. Based on the availability of committee members, it was not possible to schedule a subsequent meeting of the committee before the July 15 deadline. Therefore, the committee has been dissolved and makes no recommendation.



## PART II

### COMMITTEE ACTIVITY

#### Assignment

The Joint Legislative Council established the Special Committee on Charter Schools and appointed the chairperson by a June 9, 2006 mail ballot. The Special Committee was directed to study current state laws relating to charter schools and to develop proposed legislation for new charter schools to be created and to improve the ability of charter schools to serve pupils. The committee was authorized to examine funding of charter schools, including providing funding for technology in charter schools and financing of charter school facilities; accountability for charter school pupil performance; transportation of pupils to charter schools; the types of entities that may establish or contract for the establishment of charter schools; the types of entities with which a chartering entity may contract to operate a charter school; benefits provided to charter school employees; the process by which charter schools are established or a contract is renewed or terminated; benefits or protections provided to other schools that may be expanded to apply to charter schools; and other issues relating to modernizing charter school law.

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of two Senators, three Representatives, and 11 public members. A list of committee members is included as *Appendix 2* to this report.

#### Summary of Meetings

The Special Committee held five meetings in Madison on the following dates:

September 26, 2006  
October 17, 2006  
November 28, 2006  
December 19, 2006  
June 25, 2007

At the September 26, 2006 meeting, the Special Committee heard testimony from a number of invited speakers, including staff from the Department of Public Instruction and the Legislative Fiscal Bureau. In addition, **Todd Ziebarth**, Senior Policy Analyst with the National Alliance for Public Charter Schools, and **Senn Brown**, Executive Secretary of the Wisconsin Charter School Association, testified on national trends in charter schools and possible changes in Wisconsin law relating to charter schools. The committee also discussed and planned possible presentations for future meetings.

At the October 17, 2006 meeting, **Ted Kolderie**, Center for Policy Studies, and **Joe Graba**, Hamline University, Minnesota, discussed the history and purpose of charter schools and, in particular, discussed Minnesota charter school law. **Sheri Krause**, Legislative Services Coordinator, Wisconsin Association of School Boards (WASB), explained WASB's position with respect to charter schools and indicated that WASB generally supports charter schools if they are authorized by school boards but has concerns about independent charter schools. **Russ Allen**, Wisconsin Education Association Council (WEAC), explained that WEAC supports charter schools but is opposed to the expansion of independent charter schools.

The committee briefly discussed its study assignment, and Chairperson Vukmir indicated that she wanted the committee to focus on two or three issues in its recommendations, which she thought should include creating an appeals process when a charter is denied, revoked, or nonrenewed and permitting additional entities to authorize independent charter schools.

At the November 28, 2006 meeting, the Special Committee heard testimony from representatives of the Department of Employee Trust Funds on issues relating to having charter school employees participate in the Wisconsin Retirement System (WRS).

In addition, the committee reviewed papers relating to allowing additional entities to authorize charter schools and relating to creating an appeals process for charter school decisions made by school boards and other entities. The committee did not reach any final conclusions but asked that preliminary bill drafts be prepared for review at the next meeting.

At the December 19, 2006 meeting, the Special Committee discussed two preliminary bill drafts. The first (WLC: 0030/1) would have permitted additional entities to establish independent charter schools. The second (WLC: 0031/1) would have created a process to appeal a decision not to establish a charter school or not to renew a charter. The committee requested modifications to both drafts to review at the committee's next meeting and asked that the two drafts be combined into one draft. The committee also decided not to pursue the issue of making employees of a charter school that is not an instrumentality of a school district eligible under the WRS. (A subsequent meeting was scheduled for April 9, 2007 but was cancelled due to scheduling conflicts.)

At the June 25, 2007 meeting, the Special Committee was to consider the combined draft (WLC: 0087/1). However, because a quorum was not present, the committee could take no action.



## Appendix 1

### Joint Legislative Council

*[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]*

**Co-Chair**

**ALAN LASEE**  
*Senate President*  
2259 Lasee Road  
De Pere, WI 54115

**Co-Chair**

**STEVE WIECKERT**  
*Representative*  
1 Weatherstone Drive  
Appleton, WI 54914

#### SENATORS

**RONALD W. BROWN**  
1112 Violet Avenue  
Eau Claire, WI 54701

**DAN KAPANKE**  
1610 Lakeshore Drive  
La Crosse, WI 54603

**DALE SCHULTZ**  
*Majority Leader*  
515 N. Central Avenue  
Richland Center, WI 53581

**RUSSELL DECKER**  
6803 Lora Lee Lane  
Schofield, WI 54476

**MARK MILLER**  
4903 Roigan Terrace  
Monona, WI 53716

**DAVID ZIEN**  
*President Pro Tempore*  
1716 63<sup>rd</sup> Street  
Eau Claire, WI 54703

**SCOTT FITZGERALD**  
N4692 Maple Road  
Juneau, WI 53039

**FRED A. RISSER**  
5008 Risser Road  
Madison, WI 53705

**GLENN GROTHMAN**  
111 South 6<sup>th</sup> Avenue  
West Bend, WI 53095

**JUDY ROBSON**  
*Minority Leader*  
2411 E. Ridge Road  
Beloit, WI 53511

#### REPRESENTATIVES

**JOHN AINSWORTH**  
**W6382 Waukechon Road**  
**Shawano, WI 54166**

**MICHAEL HUEBSCH**  
*Majority Leader*  
419 West Franklin  
West Salem, WI 54669

**MARLIN D. SCHNEIDER**  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494

**PEDRO COLON**  
338 West Walker Street  
Milwaukee, WI 53204

**DEAN KAUFERT**  
1360 Alpine Lane  
Neenah, WI 54956

**DAVID TRAVIS**  
5440 Willow Road  
Waunakee, WI 53597

**STEPHEN J. FREESE**  
*Speaker Pro Tempore*  
310 East North Street  
Dodgeville, WI 53533

**JIM KREUSER**  
*Minority Leader*  
3505 14th Place  
Kenosha, WI 53144

**JOHN GARD**  
*Speaker*  
481 Aubin Street, P.O. Box 119  
Peshtigo, WI 54157

**ANN NISCHKE**  
202 W. College Avenue  
Waukesha, WI 53186

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

# Joint Legislative Council

*[Current Joint Legislative Council Members Who Received Committee Report]*

**Co-Chair**

**FRED RISSE**

*Senate President*

5008 Risser Road  
Madison, WI 53705

**Co-Chair**

**STEVE WIECKERT**

*Representative*

1 Weatherstone Drive  
Appleton, WI 54914

## SENATORS

**ROGER BRESKE**

8800 Hwy. 29  
Eland, WI 54427

**TIM CARPENTER**

*President Pro Tempore*  
2957 South 38<sup>th</sup> Street  
Milwaukee, WI 53215

**G. SPENCER COGGS**

3732 North 40<sup>th</sup> Street  
Milwaukee, WI 53216

**ALBERTA DARLING**

1325 West Dean Road  
River Hills, WI 53217

**RUSSELL DECKER**

*Majority Leader*  
6803 Lora Lee Lane  
Weston, WI 54476

**SCOTT FITZGERALD**

*Minority Leader*  
N4692 Maple Road  
Juneau, WI 53039

**SHEILA HARSDORF**

N6627 County Road E  
River Falls, WI 54022

**ALAN LASEE**

2259 Lasee Road  
De Pere, WI 54115

**MARK MILLER**

4903 Roigan Terrace  
Monona, WI 53716

**JUDY ROBSON**

2411 E. Ridge Road  
Beloit, WI 53511

## REPRESENTATIVES

**JOAN BALLWEG**

170 W. Summit Street  
Markesan, WI 53946

**JEFF FITZGERALD**

*Majority Leader*  
910 Sunset  
Horicon, WI 53032

**MARK GOTTLIEB**

*Speaker Pro Tempore*  
1205 Noridge Trail  
Port Washington, WI 53074

**MICHAEL HUEBSCH**

*Speaker*  
419 West Franklin  
West Salem, WI 54669

**DEAN KAUFERT**

1360 Alpine Lane  
Neenah, WI 54956

**JIM KREUSER**

*Minority Leader*  
3505 14th Place  
Kenosha, WI 53144

**TOM NELSON**

1510 Orchard Drive  
Kaukauna, WI 54130

**MARK POCAN**

309 N. Baldwin Street  
Madison, WI 53703

**KITTY RHOADES**

708 4th Street  
Hudson, WI 54016

**MARLIN SCHNEIDER**

3820 Southbrook Lane  
Wisconsin Rapids, WI 54494

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

## Appendix 2

### Special Committee on Charter Schools

Representative Leah Vukmir, **Chair**  
2544 North 93rd Street  
Wauwatosa, WI 53226

Senator Ted Kanavas  
17570 Sierra Lane  
Brookfield, WI 53045

Representative Christine Sinicki  
3132 South Indiana Avenue  
Milwaukee, WI 53207

Bill Baumgart  
612 Elk Lane  
Waukesha, WI 53188

Howard Fuller  
Marquette University  
750 N. 18th St.  
Milwaukee, WI 53201

Craig Jefson  
Monroe Public Schools  
N2456 Clearview Drive  
Monroe, WI 53566

Noelle Mudrak  
3311 E. Northshore Blvd., Apt. 135  
Appleton, WI 54915

Ben Vogel  
Appleton East High School  
2121 Emmers Drive  
Appleton, WI 54915-3899

Senator Alberta Darling  
1325 West Dean Road  
River Hills, WI 53217

Representative Scott A. Newcomer  
1829 Nagawicka Road  
Hartland, WI 53029

Diane Barkmeier  
2311 East Hammond Avenue  
Appleton, WI 54911

Phillip Ertl  
Wauwatosa School District  
12121 West North Avenue  
Wauwatosa, WI 53226

Barbara Horton  
Darrell L. Hines Academy  
7151 North 86th Street  
Milwaukee, WI 53224

Sandra Mills  
1500 Rue Reynard  
Menasha, WI 54952

Rachel Schultz  
Richland Center School District  
26220 Executive Lane, Suite A  
Richland Center, WI 53581

Cindy Zautcke  
Marquette University  
301 W. Coventry Ct. #116  
Glendale, WI 53217

**STUDY ASSIGNMENT:** The committee is directed to study current state laws relating to charter schools and to develop proposed legislation for new charter schools to be created and to improve the ability of charter schools to serve pupils. The committee may examine funding of charter schools, including providing funding for technology in charter schools and financing of charter school facilities; accountability for charter school pupil performance; transportation of pupils to charter schools; the types of entities that may establish or contract for the establishment of charter schools; the types of entities with which a chartering entity may contract to operate a charter school; benefits provided to charter school employees; the process by which charter schools are established or a contract is renewed or terminated; benefits or protections provided to other schools that may be expanded to apply to charter schools; and other issues relating to modernizing charter school law.

**16 MEMBERS:** 2 Senators, 3 Representatives, and 11 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Joyce L. Kiel and Russ Whitesel, Senior Staff Attorneys; and Kelly Mautz, Support Staff.



## Appendix 3

### Committee Materials List

(Copies of documents are available at [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc))

Proposed Report to the Joint Legislative Council				
<ul style="list-style-type: none"> <li><a href="#">Proposed</a> Report to the Legislature, 2007-16, <i>Special Committee on Charter Schools</i> (no legislation) (July 19, 2007)</li> </ul>				
Based on a survey of the availability of committee members, the Special Committee on Charter Schools will NOT meet on Friday, June 29, 2007.				
June 25, 2007 Meeting (no quorum)	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">WLC: 0087/1</a>, relating to permitting additional entities to establish charter schools and creating a process to request consideration be given to establishing a charter school, a process to request that a charter school be established, and a process to appeal a decision not to establish a charter school or not to renew a charter.</li> <li>A <a href="#">map</a> to the Legislative Council Staff offices.</li> <li><a href="#">Letter</a> from Public Member Noelle Mudrak (June 22, 2007).</li> </ul>				
June 12, 2007 Joint Legislative Council Meeting				
<ul style="list-style-type: none"> <li><a href="#">Memorandum</a> to the Joint Legislative Council, from Representative Leah Vukmir, Chair, Special Committee on Charter Schools, regarding status of the Special Committee on Charter Schools (6/5/07)</li> </ul>				
April 9, 2007 Meeting [CANCELED]	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">WLC: 0087/1</a>, relating to permitting additional entities to establish charter schools and creating a process to request consideration be given to establishing a charter school, a process to request that a charter school be established, and a process to appeal a decision not to establish a charter school or not to renew a charter.</li> </ul>				
December 19, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">Memo No. 4</a>, <i>Draft Legislation to Authorize Additional Entities to Establish Charter Schools</i> (December 11, 2006) <ul style="list-style-type: none"> <li><a href="#">WLC: 0030/1</a>, relating to permitting additional entities to establish charter schools</li> </ul> </li> <li><a href="#">WLC: 0031/1</a>, relating to creating a process to request that consideration be given to establishing a charter school and a process to appeal a decision not to establish a charter school or not to renew a charter school</li> <li><a href="#">Members of Wisconsin Association of Independent Colleges and Universities</a></li> <li><a href="#">List</a>, of colleges and schools accredited by the Higher Learning Commission</li> <li><a href="#">Internal Revenue Service letter</a>, relating to Minnesota retirement plan, distributed by Department of Employee Trust Funds</li> <li><a href="#">Memorandum</a>, <i>Charter school inquiries to the Institute for the Transformation of Learning's offices</i>, from Public Member Cindy Zautcke</li> </ul>				
November 28, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">Memo No. 2</a>, <i>Creating an Appeal Process for Denial, Nonrenewal, and Revocation of a Charter</i> (November 20, 2006)</li> <li><a href="#">Memo No. 3</a>, <i>Expanding the Entities Which May Authorize Charter Schools</i> (November 21, 2006)</li> <li><a href="#">Outline of remarks</a>, by John Vincent, Administrator, Division of Trust Finance and Employer Services, and Bob Conlin, Director, Legislation, Communications, and Planning (November 28, 2006)</li> </ul>				
October 17, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li><a href="#">Report</a>, <i>2003-2004 Legislative Report on Charter Schools</i>, DPI (August 2006)</li> <li><a href="#">Handout</a>, <i>Authorizers and Appeals From Education Commission of the States Database "State Policies for Charter Schools"</i>, distributed by Todd Ziebarth, Senior Policy Analyst, National Alliance for Public Charter Schools</li> <li><a href="#">Handout</a>, <i>Charter Law Provisions Regarding State Retirement Systems</i>, distributed by Todd Ziebarth,</li> </ul>				

<p>Senior Policy Analyst, National Alliance for Public Charter Schools</p> <ul style="list-style-type: none"> <li>• <a href="#">Remarks</a>, <i>The Importance of Innovation in Chartering</i>, by Ted Kolderie and Joe Graba, Education/Evolving (October 17, 2006)</li> <li>• <a href="#">Memo</a>, <i>WASB Charter School Position</i>, from Sheri Krause, Legislative Services Coordinator, Wisconsin Association of School Boards (October 17, 2006)</li> <li>• <a href="#">Written testimony</a>, submitted by Russ Allen, Wisconsin Education Association Council (October 17, 2006)</li> </ul>				
September 26, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li>• <a href="#">Memo No. 1</a>, <i>Background Information About Charter School Law and Charter Schools in Wisconsin</i> (September 11, 2006) <ul style="list-style-type: none"> <li>◦ <a href="#">Section 118.40</a>, Stats.</li> <li>◦ <a href="#">Wisconsin Charter Schools Yearbook 2005-2006</a>, published by the Wisconsin Department of Public Instruction</li> <li>◦ <a href="#">Charter Schools</a>, Informational Paper 31, Legislative Fiscal Bureau (January 2005)</li> </ul> </li> <li>• <a href="#">Presentation</a>, by Brian Pahnke, Assistant State Superintendent, Department of Public Instruction (DPI)</li> <li>• <a href="#">Presentation</a>, by Robert Soldner, School Management Services Director, DPI</li> <li>• <a href="#">Presentation</a>, by David Loppnow, Legislative Fiscal Bureau (September 26, 2006)</li> <li>• <a href="#">Testimony</a>, by Senn Brown, Executive Secretary, Wisconsin Charter Schools Association (September 26, 2006)</li> <li>• <a href="#">Presentation</a>, by Todd Ziebarth, Senior Policy Analyst, National Alliance for Public Charter Schools (September 26, 2006)</li> </ul>				