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# Legislative Briefs

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## CHARTER SCHOOL EXPANSION

1997 Wisconsin Act 238, passed by the legislature and signed by Governor Tommy Thompson to take effect on June 18, 1998, expands Wisconsin's charter school law to allow school districts to contract with corporations, partnerships, associations or individuals, and permits nonsectarian private schools to convert to charter schools.

### THE CHARTER SCHOOL CONCEPT

Charter schools, which must be established according to state law, are allowed to operate with fewer mandates, greater flexibility and less district supervision than traditional public schools. The first charter school law was passed in Minnesota in 1991. California followed in 1992, and six states, including Wisconsin, enacted enabling legislation in 1993. Federal legislation provides funding (\$80 million for fiscal year 1998) to help charter schools with planning and start-up costs and additional legislation is pending to increase funding and to target grants to states with stronger laws.

Under Wisconsin's original charter school law, as it was enacted in the 1993-95 state budget act (1993 Wisconsin Act 16), an individual or group could contract with a school board to operate a charter school. A charter school was an instrumentality of the school district in which it was located, and all charter school employees were required to be employed by the school board and had to be licensed by the Department of Public Instruction. 1995 Wisconsin Act 27 provided the charter school had to be located within the school district boundaries unless two or more school boards entered into such an agreement, in which case it had to be located in one of the participating districts.

The 1997-99 state budget act (1997 Wisconsin Act 27) authorized the City of Milwaukee, the University of Wisconsin-Milwaukee and the Milwaukee Area Technical College to establish charter schools. They may either operate the schools directly or contract with a group or individual for their operation. The law requires that these schools be located within the Milwaukee Public Schools (MPS) district, and pupils must meet certain criteria for enrollment.

### NEW PROVISIONS FOR CHARTER SCHOOLS

Act 238 (introduced as 1997 Assembly Bill 631) significantly expanded charter school operations in Wisconsin. It allows school districts to enter into charter school contracts with a "person", which is defined to include individuals, partnerships, associations, or a corporate or politic body. Both initial contracts and contract renewals are limited to a maximum of five years. Private nonsectarian schools are authorized to contract with school boards to convert to charter school status. A school board also may contract with the local cooperative educational service agency (CESA) to operate a charter school, but the school must be located within the CESA's boundaries.

Act 238 generally permits the school board to determine whether or not a charter school is an instrumentality of the school district. If it is, the school board must employ

all charter school personnel; if not, the school board may not employ any personnel for the charter school. (Only those persons employed by the district board are eligible to participate in the state teachers' retirement program.) A Milwaukee charter school established under 1997 Wisconsin Act 27 (sponsored or operated by the City of Milwaukee, the University of Wisconsin-Milwaukee or the Milwaukee Area Technical College) and private Milwaukee schools that convert to charter schools are generally not instrumentalities of the MPS board, and the MPS board may not hire any personnel for the charter school.

The school board must hold a public hearing at least 30 days before entering into a contract that would convert a private school to a charter school or that would establish a charter school that is not an instrumentality of the school district. During the hearing, the board is required to consider the level of employee and parental support for the proposed charter school and the fiscal impact it will have on the school district.

### **FOR MORE INFORMATION**

For copies of 1997 Wisconsin Act 238, contact the Legislative Reference Bureau at (608) 266-0342. Acts can be downloaded from the Legislature's website at <http://www.legis.state.wi.us/billtrack.html>. For more information about charter schools in Wisconsin, contact the Department of Public Instruction, Division for Learning Support: Instructional Services, at (608) 266-5728.