

118.40 Charter schools.

- (1) NOTICE TO STATE SUPERINTENDENT.** Whenever a school board intends to establish a charter school, it shall notify the state superintendent of its intention. Whenever one of the entities under sub. (2r) (b) or the director under sub. (2x) intends to establish a charter school, it shall notify the state superintendent of its intention by February 1 of the previous school year. A notice under this subsection shall include a description of the proposed school.

118.40(1m)**(1m) PETITION.**

- (a) A written petition requesting the school board to establish a charter school under this section may be filed with the school district clerk. The petition shall be signed by at least 10 percent of the teachers employed by the school district or by at least 50 percent of the teachers employed at one school of the school district.
- (b) The petition shall include all of the following:
1. The name of the person who is seeking to establish the charter school.
 2. The name of the person who will be in charge of the charter school and the manner in which administrative services will be provided.
 3. A description of the educational program of the school.
 4. The methods the school will use to enable pupils to attain the educational goals under s. 118.01.
 5. The method by which pupil progress in attaining the educational goals under s. 118.01 will be measured.
 6. The governance structure of the school, including the method to be followed by the school to ensure parental involvement.
 7. Subject to sub. (7) (a) and (am) and ss. 118.19 (1) and 121.02 (1) (a) 2., the qualifications that must be met by the individuals to be employed in the school.
 8. The procedures that the school will follow to ensure the health and safety of the pupils.
 9. The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the school district population.
 10. The requirements for admission to the school.
 11. The manner in which annual audits of the financial and programmatic operations of the school will be performed.
 12. The procedures for disciplining pupils.
 13. The public school alternatives for pupils who reside in the school district and do not wish to attend or are not admitted to the charter school.
 14. A description of the school facilities and the types and limits of the liability insurance that the school will carry.
 15. The effect of the establishment of the charter school on the liability of the school district.

(2) PUBLIC HEARING; GRANTING OF PETITION.

- (a) Within 30 days after receiving a petition under sub. (1m) the school board shall hold a public hearing on the petition. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school described in the petition and the fiscal impact of the establishment of the charter school on the school district. After the hearing, the school board may grant the petition.
- (b) A school board may grant a petition that would result in the conversion of all of the public schools in the school district to charter schools if all of the following apply:
1. At least 50 percent of the teachers employed by the school district sign the petition.
 2. The school board provides alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a charter school.
- (c) The school board of the school district operating under ch. 119 shall either grant or deny the petition within 30 days after the public hearing. If the school board of the school district operating under ch. 119 denies a petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the department. The department shall issue a decision within 30 days after receiving the appeal. The department's decision is final and not subject to judicial review under ch. 227.

(2m) SCHOOL BOARD INITIATIVE.

- (a) A school board may on its own initiative contract with a person to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties.
- (am) At least 30 days before entering in a contract under this subsection 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, the school board shall hold a public hearing on the contract. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school and the fiscal impact of the establishment of the charter school on the school district.

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

(2r) OTHER INITIATIVES.

(a) In this subsection:

1. "Instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.
2. "Resident school board" means the school board of the school district in which a pupil resides.

(b)

1. All of the following entities may contract with a person to operate a charter school:
 - a. The common council of the city of Milwaukee.
 - b. The chancellor of the University of Wisconsin-Milwaukee.
 - c. The chancellor of the University of Wisconsin-Parkside.
 - d. The Milwaukee area technical college district board.
 - e. Each technical college district board other than the Milwaukee area technical college district board.
 - eg. The chancellor of any institution in the University of Wisconsin System other than the University of Wisconsin-Milwaukee and the University of Wisconsin-Parkside.
 - f. The county executive of Waukesha County.
 - g. The college of Menominee Nation.
 - h. The Lac Courte Oreilles Ojibwa community college.
2. A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract shall also include all of the following provisions and may include other provisions agreed to by the parties:
 - a. A requirement that the charter school governing board adhere to specified annual academic and operational performance standards developed in accordance with the performance framework of the entity with which it is contracting.
 - b. Provisions detailing the corrective measures the charter school governing board will take if the charter school fails to meet performance standards.
 - c. A provision allowing the governing board to open one or more additional charter schools if all of the charter schools operated by the governing board were assigned to one of the top 2 performance categories in the most recent school and school district accountability report published under s. 115.385. If the charter school governing board opens one or more additional charter schools, the existing contract applies to the new school or schools unless the parties agree to amend the existing contract or enter into a new contract.
 - d. The methodology that will be used by the charter school governing board to monitor and verify pupil enrollment, credit accrual, and course completion.
 - e. A requirement that the entity under subd. 1. have direct access to pupil data.
 - f. A description of the administrative relationship between the parties to the contract.
 - g. A requirement that the charter school governing board hold parent-teacher conferences at least annually.
 - h. A requirement that if more than one charter school is operated under the contract, the charter school governing board reports to the entity under subd. 1. on each charter school separately.
 - i. A requirement that the charter school governing board provide the data needed by the entity under subd. 1. for purposes of making the report required under sub. (3m) (f).
 - j. A requirement that the charter school governing board participate in any training provided by the entity under subd. 1.
 - k. A description of all fees that the entity under subd. 1. will charge the charter school governing board.

2m.

- a. A charter or contract may include grounds for expelling a pupil from the charter school.
 - b. If the charter or contract includes grounds for expelling a pupil from the charter school as permitted under subd. 2m. a., the charter or contract shall include the procedures to be followed by the charter school prior to expelling a pupil.
3. If an entity specified in subd. 1. a. to d. was operating a charter school itself immediately prior to July 14, 2015, it may continue to do so.
 4. No chartering or contracting entity under subd. 1. may establish or enter into a contract for the establishment of a virtual charter school.

- (bm) The county executive of Waukesha County may contract for the establishment of a charter school located only in Waukesha County.

- (cq) The sum of the number of charter schools operating under a contract with the college of Menominee Nation and the number of charter schools operating under a contract with the Lac Courte Orielles Ojibwa community college may not exceed 6.
- (d) The chartering or contracting entity under par. (b) shall do all of the following:
1. Ensure that all instructional staff of charter schools under this subsection hold a license or permit to teach issued by the department.
 2. Administer the examinations under s. 118.30 (1r) or 118.301 (3) and s. 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.
- (dm) The operator of a charter school authorized under this subsection may provide transportation to pupils attending the charter school and may claim transportation aid under s. 121.58 for pupils so transported.
- (e)
- 2m. In the 2013-14 school year, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to \$7,925 multiplied by the number of pupils attending the charter school.
- 2n. In the 2014-15 school year, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to \$8,075 multiplied by the number of pupils attending the charter school.
- 2p. 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., 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:
- a. Add the amounts appropriated in the current fiscal year under s. 20.255 (2), except s. 20.255 (2) (ac), (aw), (az), (bb), (dg), (dj), (fm), (fp), (fq), (fr), (fu), (k), and (m); and s. 20.505 (4) (es); and the amount, as determined by the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated for payments to telecommunications providers under contracts with school districts and cooperative educational service agencies under s. 16.971 (13), for grants to school district consortia under s. 16.997 (7), and to make educational technology teacher training grants under s. 16.996.
 - b. Add the amounts appropriated in the previous fiscal year under the sections specified in subd. 2p. a.
 - c. Subtract the sum under subd. 2p. b. from the sum under subd. 2p. a.
 - d. Divide the remainder under subd. 2p. c. by the average of the number of pupils enrolled statewide in the 3 previous school years. In this subd. 2p. d., "number of pupils enrolled" has the meaning given in s. 121.90 (1) (intro.) and includes 40 percent of the summer enrollment.
- 3m. The department shall pay 25 percent of the total amount in September, 25 percent in December, 25 percent in February, and 25 percent in June. The department shall send the check to the operator of the charter school. The department shall include the entire amount under par. (fm) 1. in the December installment, but the payment shall be made in a separate check from the payment under this paragraph.
- (f)
1. In the 2016-17 school year and in each school year thereafter, for a pupil attending a charter school established under a contract with an entity under par. (b) 1. g. or h., 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 per pupil academic base funding the bureau of Indian education in the federal department of the interior provided to tribal schools under 25 CFR 39.1 to 39.1203 in the previous school year.
 2. The department shall pay 25 percent of the total amount due to an operator of a charter school in September, 25 percent in December, 25 percent in February, and 25 percent in June. The department shall send the check to the operator of the charter school. The department shall include the entire amount under par. (fm) 2. in the December installment, but the payment shall be made in a separate check from the payment under this paragraph.
- (fh) Annually, on or before September 15, an operator of a charter school authorized under this subsection shall file with the department a report stating its summer daily attendance for each day of summer school for the purpose of par. (fm).
- (fm)
1. 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., the department shall pay to the operator of the charter school, in the manner described in par. (e) 3m., an amount determined as follows:
 - a. Determine the per pupil amount under par. (e) for attending the charter school in the immediately preceding school term.

- b. If the pupil attended summer school for at least 15 days of summer instruction at the charter school during that summer, multiply the amount under subd. 1. a. by 0.05.
 - c. If the pupil attended summer school for less than 15 days of summer instruction at the charter school during that summer, multiply the amount under subd. 1. a. by 0.05 by the quotient determined by dividing the number of days of summer instruction the pupil attended during that summer by 15.
2. Beginning in the 2018-19 school year, in addition to the payment under par. (f) 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. g. or h., the state superintendent shall pay to the operator of the charter school, in the manner described in sub. (f) 2., an amount determined as follows:
 - a. Determine the per pupil amount under par. (f) for attending the charter school in the immediately preceding school term.
 - b. If the pupil attended summer school for at least 15 days of summer instruction at the charter school during that summer, multiply the amount under subd. 2. a. by 0.05.
 - c. If the pupil attended summer school for less than 15 days of summer instruction at the charter school during that summer, multiply the amount under subd. 2. a. by 0.05 by the quotient determined by dividing the number of days of summer instruction the pupil attended during that summer by 15.
 3. An operator of a charter school may receive a per pupil payment under this paragraph if all of the following are satisfied:
 - a. The charter school offers no fewer than 19 summer days of instruction during that summer.
 - b. Each summer day of instruction offered by the charter school under subd. 3. a. is comprised of no fewer than 270 minutes of instruction.

(g)

1. Beginning in the 2016-17 school year, subject to s. 121.085 (1), the department shall decrease a school district's state aid payment under s. 121.08 by an amount calculated as follows:
 - 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. in that school year.
 - b. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (e) 2p. for that school year.
 - 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. in that school year.
 - bn. Sum the payments made under par. (fm) 1. for all of the pupils identified under subd. 1. bf. that school year.
 - c. Determine the number of pupils residing in the school district for whom a payment is made under par. (f) in that school year.
 - d. Multiply the number of pupils under subd. 1. c. by the per pupil amount calculated under par. (f) 1. for that school year.
 - df. 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. g. or h. in that school year.
 - dn. Sum the payments made under par. (fm) 2. for all of the pupils identified under subd. 1. df. that school year.
 - e. Sum the amounts determined under subd. 1. b., bn., d., and dn.
2. If a school district's state aid payment under s. 121.08 is insufficient to cover the reduction under subd. 1., as determined under s. 121.085 (2), the department shall decrease other state aid payments made by the department to the school district by the remaining amount.
3. The department shall ensure that the decrease under subd. 1. does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

(h) A charter school established under this subsection is a local educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as a local educational agency, and shall comply with all requirements of local educational agencies, under 20 USC 6301 to 6578.

(2x) OFFICE OF EDUCATIONAL OPPORTUNITY.

(a) In this subsection:

1. "Director" means the special assistant to the president of the University of Wisconsin System appointed under s. 36.09 (2) (c).
2. "Instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.
3. "Resident school board" means the school board of the school district in which a pupil resides.

(b)

1. The director may contract with a person to operate a charter school.
2. A contract to operate a charter school shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the

University of Wisconsin System under this paragraph. The contract shall also include all of the following provisions and may include other provisions agreed to by the parties:

- a. A requirement that the charter school governing board adhere to specified annual academic and operational performance standards developed in accordance with the performance framework of the person with which it is contracting.
 - b. Provisions detailing the corrective measures the charter school governing board will take if the charter school fails to meet performance standards.
 - d. The methodology that will be used by the charter school governing board to monitor and verify pupil enrollment, credit accrual and course completion.
 - e. A requirement that the director have direct access to pupil data.
 - f. A description of the administrative relationship between the parties to the contract.
 - g. A requirement that the charter school governing board hold parent-teacher conferences at least annually.
 - h. A requirement that if more than one charter school is operated under the contract, the charter school governing board reports to the director on each charter school separately.
 - i. A requirement that the charter school governing board provide the data needed by the director for purposes of making the report required under sub. (3m) (f).
 - j. A requirement that the charter school governing board participate in any training provided by the director.
 - k. A description of all fees that the director will charge the charter school governing board.
- 3.
- a. A contract may include grounds for expelling a pupil from the charter school.
 - b. If the contract includes grounds for expelling a pupil from the charter school as permitted under subd. 3. a., the contract shall include the procedures to be followed by the charter school prior to expelling a pupil.
4. The director may not contract for the establishment of a virtual charter school.
- (cm) Notwithstanding par. (b) 1., the director may enter into a contract to establish, as a pilot project, one recovery charter school, to be located in this state and that operates only high school grades, if the term of the contract is limited to 4 consecutive school years and the contract requires the charter school operator to do all of the following:
1. Provide an academic curriculum that satisfies the high school graduation requirements under s. 118.33.
 2. Provide therapeutic programming and support for pupils in recovery from substance use disorder or dependency.
 3. Require prospective pupils to apply to attend the charter school and condition eligibility for enrollment on all of the following:
 - a. That the applicant has begun treatment in a substance use disorder or dependency program.
 - b. That the applicant will have maintained sobriety for at least 30 days prior to attending the charter school.
 - c. That the applicant submit to a drug screening assessment and, if indicated, a drug test. An applicant who tests positive for the presence of a drug in his or her system may not be enrolled in the charter school.
 4. Limit enrollment to no more than 15 pupils.
 5. Require, as a condition of continuing enrollment, that an applicant receive counseling from substance use disorder or dependency counselors employed by the charter school while enrolled in the charter school.
 6. Establish the following policies for pupils attending the charter school:
 - a. Suspension and expulsion policies for pupils. The operator shall provide for incremental and rehabilitative discipline in the policies under this subd. 6. a. The operator shall model expulsion procedures on the procedures for expulsion under s. 120.13 (1) (c) 3.
 - b. That a pupil attending the charter school may elect to unenroll from the charter school upon the completion of any treatment program required of the pupil.
 7. Require, as a condition of continuing enrollment, that an applicant submit claims for coverage of therapeutic programming and support and counseling provided by the charter school to any health care plan, as defined in s. 628.36 (2) (a) 1., under which the applicant is covered for mental health services.
- (d) The director shall do all of the following:
1. Ensure that all instructional staff of charter schools established under this subsection hold a license or permit to teach issued by the department.
 2. Administer the examinations under ss. 118.30 (1r) and 121.02 (1) (r) to pupils enrolled in charter schools established under this subsection.
- (e)
1. Beginning in the 2016-17 school year, from the appropriation under s. 20.255 (2) (fp), for each pupil attending a charter school established under this subsection, other than the charter school established under par. (cm), the department shall pay to the operator of a charter school

established under this subsection an amount equal to the per pupil amount paid to an operator of a charter school under sub. (2r) (e) in that school year.

- 1m. Beginning in the 2017-18 school year, from the appropriation under s. 20.255 (2) (fq), for each pupil attending the charter school established under par. (cm), the department shall pay to the operator of the charter school an amount equal to the per pupil amount paid to an operator of a charter school under sub. (2r) (e) in that school year.
2. The department shall pay 25 percent of the total amount required to be paid under this paragraph in September, 25 percent in December, 25 percent in February, and 25 percent in June. The department shall send the check to the operator of the charter school. The state superintendent shall include the entire amount under par. (em) 1. in the December installment, but the payment shall be made in a separate check from the payment under this paragraph.

(eh) Annually, on or before September 15, an operator of a charter school authorized under this subsection shall file with the department a report stating its summer daily attendance for each day of summer school for the purpose of par. (em).

(em)

1. Beginning in the 2018-19 school year, in addition to the payment under par. (e) and subject to subd. 2., for a pupil attending summer school at a charter school established under this subsection, the state superintendent shall pay to the operator of the charter school, in the manner described in par. (e) 2., the amount determined under sub. (2r) (fm) 1. for the pupil.
2. An operator of a charter school may receive a per pupil payment under this paragraph if all of the following are satisfied:
 - a. The charter school offers no fewer than 19 summer days of instruction during that summer.
 - b. Each summer day of instruction offered by the charter school under subd. 2. a. is comprised of no fewer than 270 minutes of instruction.

(f)

1. Beginning in the 2016-17 school year, subject to s. 121.085 (1), the department shall decrease a school district's state aid payment under s. 121.08 by an amount calculated as follows:
 - a. Determine the number of pupils residing in the school district for whom a payment is made under par. (e) 1. in that school year.
 - b. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (e) 1. for that school year.
 - c. Identify the pupils residing in the school district for whom a payment is made under par. (em) 1. in that school year.
 - d. Sum the payments made under par. (em) 1. for all of the pupils identified under subd. 1. c. that school year.
 - e. Sum the amounts determined under subd. 1. b. and d.
2. If a school district's state aid payment under s. 121.08 is insufficient to cover the reduction under subd. 1., as determined under s. 121.085 (2), the department shall decrease other state aid payments made by the department to the school district by the remaining amount.
3. The department shall ensure that the decrease under subd. 1. does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

(3) CONTRACT.

- (a) If the school board grants the petition under sub. (2), the school board shall contract with the person named in the petition under sub. (1m) (b) 1. to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties.
- (b) A contract under par. (a) or under sub. (2m), (2r), or (2x) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract.

(c)

1. A school board may not enter into a contract for the establishment of a charter school located outside the school district, except as follows:
 - a. If 2 or more school boards enter into an agreement under s. 66.0301 to establish a charter school, the charter school shall be located within one of the school districts.
 - b. If one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish a charter school, the charter school shall be located within the boundaries of the cooperative educational service agency.
 - c. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the charter school shall be located within the school district or within the boundaries of the tribe's or band's reservation.

1m. Subdivision 1. does not apply to the establishment of a virtual charter school.

2. A school board may not enter into a contract that would result in the conversion of a private, sectarian school to a charter school.

(f)

1. A contract with a school board, an entity under sub. (2r) (b) 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), or the director under sub. (2x).

2. The governing board of the charter school established under a contract with the director under sub. (2x) (cm) may not enter into more than one contract with the director.

(g)

1. Except as provided in subds. 2., 3., and 4. and sub. (4) (ar) 1., a contract with a school board, an entity under sub. (2r) (b), or the director under sub. (2x) shall require that if the capacity of the charter school is insufficient to accept all pupils who apply, the charter school shall accept pupils at random.
 2.
 - a. A charter school shall give preference in enrollment to pupils who were enrolled in the charter school in the previous school year.
 - b. A charter school other than the charter school established under a contract with the director under sub. (2x) (cm) shall give preference to siblings of pupils who are enrolled in the charter school.
 3. A charter school may give preference in enrollment to the children of the charter school's founders, governing board members, and full-time employees, but the total number of such children given preference may constitute no more than 10 percent of the charter school's total enrollment.
 4. A charter school established under a contract with a union high school district under sub. (2) or (2m) may give preference in enrollment to pupils who were enrolled during the previous school year in a charter school operating under a cooperative agreement with the charter school established under a contract with a union high school district.
- (h) A school board, an entity under sub. (2r), or the director under sub. (2x) may contract for the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board, entity under sub. (2r), or the director under sub. (2x) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

(3m) AUTHORIZING ENTITY DUTIES. A school board, an entity under sub. (2r) (b), and the director under sub. (2x) shall do all of the following:

- (a) Solicit and evaluate charter school applications.
- (b) When contracting for the establishment of a charter school under this section, consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.
- (c) Give preference in awarding contracts for the operation of charter schools other than the charter school established under a contract with the director under sub. (2x) (cm) to those charter schools that serve children at risk, as defined in s. 118.153 (1) (a).
- (d) Approve only high-quality charter school applications that meet identified educational needs and promote a diversity of educational choices.
- (e) In accordance with the terms of each charter school contract, monitor the performance and compliance with this section of each charter school with which it contracts.
- (f) Annually, submit to the state superintendent and to the legislature under s. 13.172 (2) a report that includes all of the following:
 1. An identification of each charter school operating under contract with it, each charter school that operated under a contract with it but had its contract nonrenewed or revoked or that closed, and each charter school under contract with it that has not yet begun to operate.
 2. The academic and financial performance of each charter school operated under contract with it.
 3. The operating costs the school board, entity under sub. (2r) (b), or director under sub. (2x) incurred under pars. (a) to (e), detailed in an audited financial statement prepared in accordance with generally accepted accounting principles.
 4. The services the school board, entity under sub. (2r) (b), or director under sub. (2x) provided to the charter schools under contract with it and an itemized accounting of the cost of the services.

(3o) REPORT OF THE DIRECTOR TO THE DEPARTMENT OF HEALTH SERVICES. The director shall, following the 3rd school year of the operation of the charter school established under sub. (2x) (cm), report, in writing, to the department of health services on the operation and effectiveness of the charter school. The director shall include in the report an evaluation of the effectiveness of the charter school on long-term student recovery outcomes.

(4) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND RESTRICTIONS.

- (ag) Governing board. Each charter school shall be governed by a governing board that is a party to the contract with the authorizing entity. No more than a minority of the governing board's members may be employees of the charter school or employees or officers of the school district in which the charter school is located.
- (ar) Duties. A charter school governing board shall do all of the following:
 1. If the charter school replaces a public school in whole or in part, give preference in admission to any pupil who resides within the attendance area or former attendance area of that public school.
 2. Be nonsectarian in its programs, admissions policies, employment practices and all other operations.
- (b) Restrictions. A charter school governing board may not do any of the following:

1. Charge tuition, except as otherwise provided in s. 121.83 (4).
 2. Except as provided in sub. (3) (h), discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.
- (d) Powers. Subject to the terms of its contract, a charter school governing board has all the powers necessary to carry out the terms of its contract, including all of the following:
1. To receive and disburse funds for school purposes.
 2. To secure appropriate insurance.
 3. To enter into contracts, including contracts with a University of Wisconsin institution or college campus, technical college district board, or private college or university, for technical or financial assistance, academic support, curriculum review, or other services.
 4. To incur debt in reasonable anticipation of the receipt of funds.
 5. To pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit.
 6. To solicit and accept gifts or grants for school purposes.
 7. To acquire real property for its use.
 8. To sue and be sued in its own name.
- (5) CHARTER REVOCATION.** A charter may be revoked by the school board, the entity under sub. (2r) (b), or the director under sub. (2x) that contracted with the charter school if the school board or, if applicable, the entity under sub. (2r) (b) or the director under sub. (2x) finds that any of the following occurred:
- (a) The charter school violated its contract with the school board, the entity under sub. (2r) (b), or the director under sub. (2x).
 - (b) The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01.
 - (c) The charter school failed to comply with generally accepted accounting standards of fiscal management.
 - (d) The charter school violated this section.
- (6) PROGRAM VOLUNTARY.** No pupil may be required to attend a charter school without his or her approval, if the pupil is an adult, or the approval of his or her parents or legal guardian, if the pupil is a minor.
- (7) LEGAL STATUS; APPLICABILITY OF SCHOOL LAWS.**
- (a) Except as provided in par. (am), the school board of the school district in which a charter school is located shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that the charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that the charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.
- (am)
1. Except as provided in subds. 2. and 3., if a charter school is established under sub. (2m) and located in the school district operating under ch. 119, the school board of that school district shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that a charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that a charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.
 2. A charter school established under sub. (2r) or (2x) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of any school district and no school board may employ any personnel for the charter school. If the chancellor of an institution in the University of Wisconsin System other than the University of Wisconsin Milwaukee contracts for the establishment of a charter school under sub. (2r), the board of regents of the University of Wisconsin System may employ instructional staff for the charter school. If a technical college district board other than the Milwaukee area technical college district board contracts for the establishment of a charter school under sub. (2r), the technical college may employ instructional staff for the charter school.
 3. Notwithstanding subd. 2., if the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, the charter school is an instrumentality of the school district operating under ch. 119 and the board of the school district operating under ch. 119 shall employ all personnel for the charter school.
 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) 1. c., that school board shall determine whether the charter school is an instrumentality of the school district regardless of the location of the charter school.
- (ar) Nothing in this section affects the rights of personnel of a charter school that is an instrumentality of a school district to engage in collective bargaining pursuant to subch. IV of ch. 111.
- (b) Except as otherwise explicitly provided, chs. 115 to 121 do not apply to charter schools.
- (8) VIRTUAL CHARTER SCHOOLS.**

- (a) Location. For the purposes of sub. (7) (a), (am), and (ar), a virtual charter school is considered to be located in the following school district:
1. If a school board contracts with a person to establish the virtual charter school, in the school district governed by that school board.
 2. If 2 or more school boards enter into an agreement under s. 66.0301 to establish the virtual charter school, or if one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish the virtual charter school, in the school district specified in the agreement.
- (b) Licensure.
1. The governing body of a virtual charter school shall assign an appropriately licensed teacher for each online course offered by the virtual charter school. In this subsection, an individual who holds a license or permit to teach a subject and level in the state from which the online course is provided is appropriately licensed to teach the subject and level in this state.
 - 1g. The governing body of a virtual charter school may not permit a person holding both a license to teach exclusively in a charter school and a license to teach in other public schools to teach, in the virtual charter school, a subject or at a level that is not authorized by the latter license.
 - 1r. The governing body of a virtual charter school may not permit a person holding only a permit to teach exclusively in a charter school to teach in a virtual charter school.
 2. If a pupil attends a virtual charter school, any person providing educational services to the pupil in the pupil's home, other than instructional staff of the virtual charter school, is not required to hold a license or permit to teach issued by the department.
 3. The department may not require a person licensed as provided under subd. 1. to complete professional development not required of any other individual required to be licensed under s. 118.19.
- (c) Staff duties. In a virtual charter school, an instructional staff member is responsible for all of the following for each pupil the instructional staff member teaches:
1. Improving learning by planned instruction.
 2. Diagnosing learning needs.
 3. Prescribing content delivery through class activities.
 4. Assessing learning.
 5. Reporting outcomes to administrators and parents and guardians.
 6. Evaluating the effects of instruction.
- (d) Required days and hours. A virtual charter school shall do all of the following:
1. Provide educational services to its pupils for at least 150 days each school year.
 2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.
 3. Ensure that its teachers respond to inquiries from pupils and from parents or guardians of pupils by the end of the first school day following the day on which the inquiry is received.
- (e) Parent advisory council. The governing body of a virtual charter school shall ensure that a parent advisory council is established for the school and that it meets on a regular basis. The governing body shall determine the selection process for members of the parent advisory council.
- (f) Required notices. At the beginning of each school term, the governing body of a virtual charter school shall inform the parent or guardian of each pupil attending the virtual charter school, in writing, the name of, and how to contact, each of the following persons:
1. The members of the school board that contracted for the establishment of the virtual charter school and the administrators of that school district.
 2. The members of the virtual charter school's governing body, if different than the persons under subd. 1.
 3. The members of the virtual charter school's parent advisory council established under par. (e).
 4. The staff of the virtual charter school.
- (g) Pupil's failure to participate.
1. Whenever a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the governing body of the virtual charter school shall notify the pupil's parent or guardian.
 2. Subject to subd. 2m., the third time in the same semester that a pupil attending a virtual charter school fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the governing body of the virtual charter school shall also notify the school board that contracted for the establishment of the virtual charter school, the school board of the pupil's resident school district, and the department. The school board that contracted for the establishment of the virtual charter school may transfer the pupil to his or her resident school district. If the pupil is a resident of the school district that contracted for the establishment of the virtual charter school, the school board may assign the pupil to another school or program within that school district. If the school board transfers or assigns a pupil, it shall notify the pupil's parent or guardian and the department.

- 2m. If the parent or guardian of a pupil attending a virtual charter school notifies the virtual charter school in writing before a school assignment or directive is given that the pupil will not be available to respond to the assignment or directive during a specified period, the school days during that period do not count for purposes of subd. 2. The virtual charter school shall require the pupil to complete any assignment missed during the period. This subdivision applies to no more than 10 school days in a school year.
3. The parent or guardian of a pupil transferred to the pupil's resident school district under subd. 2. may appeal the transfer to the department within 30 days after receipt of the notice of transfer. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105; 2013 a. 20; 2013 a. 173 s. 33; 2013 a. 257; 2015 a. 55; 2017 a. 30, 59, 364; 2017 a. 365 s. 111; 2017 a. 366.

A public school district did not violate the equal protection clause of the U.S. constitution by refusing to bus the students of a charter school created under sub. (2r) located within its geographical boundaries. *Racine Charter One, Inc. v. Racine Unified School District*, 424 F.3d 677 (2005).

Menu

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