

State of Wisconsin



2003 Assembly Bill 746

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT *to amend* 118.40 (2r) (c) 1., 121.08 (4) (a) 1. and 121.08 (4) (a) 2.; *to repeal and recreate* 118.40 (2r) (c) 2.; and *to create* 118.40 (2r) (g) and 121.05 (1) (a) 9m. of the statutes; **relating to:** eligibility to attend an independent charter school and payments made to independent charter schools.

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

SECTION 1. 118.40 (2r) (c) 1. of the statutes is amended to read:

118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside ~~in~~ outside the school district in which a charter school established under this subsection is located may attend the charter school only if there is space available after pupils who are residents of the school district and pupils described under subd. 2. are accommodated.

SECTION 2. 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23 is converted to a charter school under this subsection, a pupil who attended the private school and the pupil's siblings may attend the converted charter school even though the pupil or the sibling resides outside the school district in which the charter school is located.

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

118.40 (2r) (g) 1. Annually, the department shall determine all of the following:

a. For each school district, the number of pupils who reside in the school district and who are attending a char-

ter school established under this subsection in another school district.

b. The sum of the amount paid per pupil under par. (e) 1. in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year as compared to the previous school year.

2. The department shall decrease each school district's state aid payment under s. 121.08 by an amount equal to the number determined under subd. 1. a. multiplied by the amount determined under subd. 1. b. If the state aid payment under s. 121.08 is insufficient to cover the reduction, 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 aid reduction under subd. 2. lapses to the general fund.

SECTION 4. 121.05 (1) (a) 9m. of the statutes is created to read:

121.05 (1) (a) 9m. Notwithstanding subd. 9., pupils residing in the school district but attending a charter school established under s. 118.40 (2r) in another school district.

SECTION 5. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 (4) (a) 1. ~~Add~~ Subtract from the total of the amounts paid under s. 118.40 (2r) ~~(e)~~ in the current school

* Section 991.11, WISCONSIN STATUTES 2001-02 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

year the total of the aid reductions under s. 118.40 (2r) (g) in the current school year.

SECTION 5m. 121.08 (4) (a) 2. of the statutes, as affected by [2003 Wisconsin Act 33](#), section [2037](#), is amended to read:

121.08 (4) (a) 2. Divide the ~~sum~~ result under subd. 1. by the total amount of state aid that all school districts are eligible to be paid from the appropriations under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not occurred.

SECTION 6. Initial applicability.

(1) The treatment of section 118.40 (2r) (c) 1. and 2. of the statutes first applies to pupils attending charter schools in the 2004–05 school year and applies retroactively to private schools that converted to charter schools before the effective date of this subsection.

(2) The treatment of sections 118.40 (2r) (g) and 121.08 (4) (a) 1. and 2. of the statutes first applies to state aid and charter school payments made in the 2004–05 school year.