

# **Statutory Report Series Legislative Report on Charter Schools 2016-2017**

Developed by  
DPI Charter Schools Team  
School Management Services



**Wisconsin Department of Public Instruction**  
Carolyn Stanford Taylor, State Superintendent  
Madison, Wisconsin

This publication is available from:

School Management Services Team  
Wisconsin Department of Public Instruction  
125 South Webster Street  
Madison, WI 53703

608-266-5728

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## Executive Summary

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As stated in Wis. Stat. § 115.28 (49) the Wisconsin Department of Public Instruction (DPI) is required to submit this report to the Legislature in the manner provided under Wis. Stat. § 13.172 (2) regarding the status of existing charter schools, the number of petitions for new charter schools, and the action taken by school boards and DPI on petitions for new charter schools. This report offers the results of new charter school activity in the 422 Wisconsin school districts during the 2016-2017 school year.

This report documents two distinct levels of decision making regarding charter school proposals. A first-level decision occurs during the charter school's *development* stage. The school district may approve further study of a charter school concept or participate in a consortium of school districts interested in opening a charter school. A second-level decision occurs during the *implementation* stage. The school district issues a charter school contract, provides a signature on an agreement to participate in a multi-district charter school, or signs an implementation grant with the purpose of seeking federal charter school start-up funds from DPI.

The department conducted an electronic survey and personally contacted school district officials to compile the necessary data. One hundred percent of the Wisconsin school districts responded to the survey.

During the 2016-2017 school year, nine districts (2.1 percent) reported charter school activity as defined above, including at least one district in five of the 12 regional Cooperative Educational Services Agencies (CESA). A breakdown of the activity shows eight school boards made 10 first-level charter school decisions, and four school boards made four second-level charter school decisions. Of the first-level decisions, 10 of 10 (100 percent) were approved. Of the second-level decisions, four of four (100 percent) were approved. While five districts reported a first-level decision and not a second-level decision, only one school district reported a second-level decision but not a first-level decision.



# Introduction

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Charter schools, as defined by the United States Department of Education (USDE), are a form of public school choice that provides innovative educational options for parents and students. Charter schools are nonsectarian and are created through a contract, or *charter*, between the operators and a chartering authority. The charter defines the school's mission and describes how the school will meet the special needs and interests of its community, parents, and students. Therefore, charter schools become, in essence, living laboratories that may influence the larger public school system and introduce an element of entrepreneurship within that system. Although many goals for educating and preparing children are similar, each charter school fulfills a specific local need in education by offering choices in areas such as curriculum, teaching methodology, and classroom structure. The chartering authority holds the school accountable to the performance measures included in its charter. These performance measures are related to student achievement, management, operations, financial performance and other areas. Wisconsin's charter school law gives charter schools freedom from most state rules and regulations in exchange for greater accountability for results.

Charter schools have been in existence since the early 1990s. Minnesota passed the first charter school law in 1991. The following year, the first charter school in the United States opened in the Minneapolis-St. Paul area. Ten years later, in 2000, over 1,700 charter schools were in operation, serving approximately 430,000 school children (Hill, Lake, Celio, Campbell, Herdman & Bulkley 2001). During the 2016-17 school year, there were more than 6,900 charter schools in operation across the country serving over 3 million students. (National Alliance for Public Charter Schools, 2017).

Stimulated by a boost of federal funding for charter schools, the number of charter schools over the last two decades has increased. USDE awarded \$144,680,792 in the 2017 fiscal year Charter School Programs State Educational Agencies grant competition (USDE, 2017).

# Wisconsin Charter Schools

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## History of Wisconsin's Charter School Law

The Wisconsin Legislature established the Wisconsin Charter School Program in 1993 to provide educational alternatives for students in kindergarten through grade 12. The initial law permitted 10 school districts to establish up to two charter schools each, creating a cap of 20 schools statewide. The Stevens Point Area School Board authorized Wisconsin's first charter school in 1994. In 1995, revisions to the law gave chartering authority to school boards statewide and eliminated the cap.

Further changes to the law allowed other entities besides school boards the ability to authorize charter schools. In 1997, the state gave chartering authority in Milwaukee to the chancellor of the University of Wisconsin – Milwaukee (UW–Milwaukee), the Milwaukee Area Technical College (MATC), and the Common Council of the City of Milwaukee. In the 1998 budget adjustment session, the state allowed districts to contract with one of the 12 CESAs to operate a charter school located within the CESA region. In the 2001-2003 budget bills, the University of Wisconsin – Parkside (UW–Parkside) was given chartering authority, allowing it to establish a single charter school. These independent chartering entities (UW–Milwaukee, UW–Parkside, MATC, and the City of Milwaukee) are often referred to as “2r” authorizers because Wis. Stat. § 118.40 (2r) is the statute that pertains to these entities. (For more information, see *Independent Authorizers*.) In addition, a number of changes regarding authorizations were made to Wisconsin's charter school law under 2015 Wisconsin Act 55. Under Act 55, five new entities were allowed to authorize independent charter schools: (a) the Office of Educational Opportunity (OEO) in the UW System; (b) the Gateway Technical College District Board; (c) College of Menominee Nation; (d) Lac Courte Oreilles Ojibwa Community College; and (e) the Waukesha County Executive. None of these entities authorized a charter school during the 2016-17 school year. Act 55 also established that the Board of Regents approval is no longer statutorily required for charter schools authorized by UW–Milwaukee and UW–Parkside. The number of independent authorizers further increased in 2017 Wisconsin Act 59, allowing any UW chancellor or any technical college district board to contract with a person to operate an independent charter school.

In addition to changes regarding authorizing entities, the law has undergone other modifications. The 1998 budget adjustment session established: a) procedures for when a school board is petitioned for the opening of a charter school; b) procedures for converting a nonsectarian private school to a charter school; and c) the requirement for charter



schools to state their relationship with a school district as an instrumentality or non-instrumentality. Changes that occurred in the 2003-2005 biennial budget exempted a specific charter school sponsored by UW–Milwaukee (Woodlands Academy) from some residency requirements. Additional changes in 2005 resulted in the elimination of previous school year attendance requirements for students residing in Milwaukee. In 2006, the law was changed again to allow authorizers to enter into a contract with a charter school that enrolls or offers limited courses to one sex, provided that a comparable school or course is available to the opposite sex. In 2008, the law was further amended to clarify requirements for virtual charter schools. In 2013, the legislature expanded the locations of charter schools authorized by the UW–Milwaukee to include charter schools located anywhere in Milwaukee County or in an adjacent county. In addition, students who resided in Milwaukee County or in an adjacent county could attend any independent charter school established in Milwaukee County or in an adjacent county. 2017 Wisconsin Act 59 removed the previous residency and location restrictions.

In 2015, a number of changes were also made to authorizer requirements as part of 2015 Wisconsin Act 55. Changes included requiring all authorizers to adhere to the standards and principles established by the National Association of Charter School Authorizers (NACSA), strengthening the power of the charter school governance board by providing a list of specific board-related responsibilities, and requiring all charter school authorizers to report annually to the legislature and to the state superintendent on the performance of each of its charter schools. In addition, governance board duties and powers were specified under Act 55. Under the new provisions, each charter school must be governed by a governing board that is a party to the contract with the authorizing entity and no more than a minority of the governing board's members can be employees of the school or employees or officers of the school district. Act 55 also allowed operators of independent charter schools to claim state aid for providing transportation to students.

## Growth of Charter Schools in Wisconsin

With changes in the law, increased federal funding, and greater interest, the number of charter schools in Wisconsin has grown. Table 1 shows the growth of Wisconsin charter schools from fall of 1994 to fall of 2016.

■ Table 1

*Growth of Charter Schools in Wisconsin*

Year	Number of Charter Schools	Percent Increase from Year Before
1994-1995	1	—
1995-1996	8	700%
1996-1997	13	63%
1997-1998	18	38%
1998-1999	40	122%
1999-2000	64	60%
2000-2001	92	44%
2001-2002	106	15%
2002-2003	126	19%
2003-2004	136	8%
2004-2005	162	19%
2005-2006	181	12%
2006-2007	188	4%
2007-2008	231	23%
2008-2009	221	-4%
2009-2010	206	-7%
2010-2011	206	0%
2011-2012	232	13%
2012-2013	238	3%
2013-2014	242	2%
2014-2015	243	0.4%
2015-2016	242	-0.4%
2016-2017	237	-2%

Source: The Wisconsin Department of Public Instruction, 2017

For the 2016-2017 school year, 237 charter schools were in operation in Wisconsin, a decrease of two percent from the previous school year. There were 97 Wisconsin school boards that authorized 215 charter schools, and three non-school board authorizers authorized 22 charter schools. While 12 charter schools closed at the end of the 2015-16 school year, seven new charter schools opened at the beginning of the 2016-17 school year. By the end of the 2016-17 school year eight charter schools closed for a variety of reasons, including financial difficulties, low student enrollment, and conversion to traditional or magnet schools. Nevertheless, Wisconsin ranks among the top 10 states in the U.S. with the most charter schools in operation (see Table 2). Over 44,000 Wisconsin students (5.1 percent of all Wisconsin K-12 students) attended a charter school during the 2016-2017 school year.

■ Table 2

*States with the Most Charter Schools*

		<b>Total Number of Charter Schools</b>				
<b>2016-2017 Rank</b>	<b>State</b>	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>
1	California	1,065	1,130	1,184	1,234	1,253
2	Texas*	623	689	721	723	761
3	Florida	583	625	653	656	656
4	Arizona	535	605	623	535	547
5	Ohio	369	400	384	373	362
6	Michigan	280	297	307	300	301
7	New York	209	233	248	257	267
8	Colorado	184	197	214	224	238
9	Wisconsin	238	242	243	242	237
10	Pennsylvania	175	176	176	175	183

\*This data represents campuses, not charters

Source: The National Alliance for Public Charter Schools (NAPCS), 2013, 2014, 2015, 2016, and 2017 and the Wisconsin Department of Public Instruction, 2019.

Note: Non-Wisconsin data is from NAPCS, while Wisconsin data is from the Wisconsin Department of Public Instruction.

The Wisconsin Charter School Program (WCSP) federal grant to support the development and implementation of new charter schools in Wisconsin ended after the 2015-2016 school year. No additional funds were offered to DPI following its completion. Despite this, seven new charters schools opened in Wisconsin during the 2016-2017 school year.

It should be noted that, while charter school grant funds may influence and encourage the development of charter schools, chartering a new school at the local level is a separate and distinct activity from applying for charter school grant funds. Chartering requires communication and decision-making between the operator of the charter school and the local authorizer, usually the school board.

## Overview of Wisconsin's Charter Schools

Below is a brief overview of Wisconsin's charter schools. This and related information can be found on the DPI charter school website at <http://dpi.wi.gov/sms/charter-schools>. Additionally, the DPI publishes an annual charter school yearbook that includes a description of each operating charter school in the state.

### *Aspects of Autonomy*

Wisconsin's charter schools are exempt from most state requirements regarding public education. However, they are not exempt from local school board policies unless negotiated and documented in the charter school contract. The purpose of these exemptions is to allow charter school developers to be free in creating and establishing independent governance and administrative structures.

Charter schools are free to be creative in developing their administrative and governance structures. However, parental involvement is very important and the governing board must be autonomous and independent of the authorizer. The governance board's autonomy must extend to making decisions on issues related to policy, budget, and personnel. Therefore, a majority of the governance board members must be non-school district employees and non-school board members. Many charter schools break from traditional management models by establishing decision-making boards that include school staff, parents, area employers, and student representatives. Others have parent and teacher committees that address school needs, such as fund-raising and the budget. Parental involvement and participation are hallmarks of charter schools. Although many parents readily volunteer, parental service may not be made a condition of pupil admission.

### *Accessibility and Admission*

Charter schools may not discriminate on the basis of sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. In addition, Wisconsin's law requires the charter contract to describe how the school will achieve a racial and ethnic balance that reflects the balance in the school district as a whole.

■ Table 3

*Wisconsin's Charter School Population by Race/Ethnicity*

	2016-2017	
	Charter	State
White, not Hispanic or Latino	48.4%	70.4%
Black or African American, not Hispanic or Latino	24.1%	9.2%
Hispanic or Latino	18.2%	11.8%
Asian/Pacific Islander	5.4%	3.9%
American Indian or Alaskan Native	0.6%	1.2%
Native Hawaiian or other Pacific Islander	0.1%	0.1%
Two or more races	3.2%	3.5%

Source: The Wisconsin Department of Public Instruction, 2017

During the admission process, preference must be given to students living within the attendance area of an existing school that is converted to a charter school. Nonresident students who want to attend the charter school may apply to do so under the Wisconsin Public School Open Enrollment Program, though placement is not guaranteed. If more students apply to attend a charter school than there are spaces available, a random lottery must be held. A charter school cannot charge tuition.

Attendance at a charter school is voluntary, and the district must provide alternative public education for pupils who do not wish to attend the charter school or who are not admitted to the charter school due to space constraints. This provision also applies should a school board enter into a contract that would result in the conversion of all the public schools in the district to charter schools.

*Independent Authorizers*

Although most authorizers are school districts, there are other entities that state law permits to authorize charter schools. Previously, these entities included UW—Milwaukee, MATC, the Common Council of the City of Milwaukee, and UW—Parkside. 2015 Wisconsin Act 55 expanded this to add five new independent authorizers, which include Gateway Technical College, the Waukesha County Executive, College of Menominee Nation, Lac Courte Oreilles Ojibwa Community College, and Office of Educational Opportunity in the UW System. These independent chartering entities are often referred to as “2r” or “2x” authorizers because it refers to the section of charter school law within Wis. Stat. § 118.40 that allows these entities to authorize charter schools.

During the 2016-2017 school year, there were a total of 22 independent charter schools in operation in Wisconsin. Table 4 shows a list of these schools and their authorizers.

■ Table 4

*Wisconsin's Independent Charter Schools*

	<b>Authorizer</b>	<b>School</b>
1.	City of Milwaukee	Central City Cyber School
2.	City of Milwaukee	Darrell Lynn Hines Academy
3.	City of Milwaukee	Downtown Montessori Academy
4.	City of Milwaukee	Escuela Verde
5.	City of Milwaukee	Milwaukee Academy of Science
6.	City of Milwaukee	Milwaukee Collegiate Academy
7.	City of Milwaukee	Milwaukee Math and Science Academy
8.	City of Milwaukee	Rocketship Southside Community Prep
9.	UW–Milwaukee	Bruce Guadalupe Community School
10.	UW–Milwaukee	Capitol West Academy
11.	UW–Milwaukee	La Casa de Esperanza Charter School
12.	UW–Milwaukee	Milwaukee Scholars Charter School
13.	UW–Milwaukee	Penfield Montessori Academy
14.	UW–Milwaukee	School for Early Development & Achievement (SEDA)
15.	UW–Milwaukee	Seeds of Health, Inc.: Seeds of Health Elementary School
16.	UW–Milwaukee	Seeds of Health, Inc.: Tenor High School
17.	UW–Milwaukee	Seeds of Health, Inc.: Veritas High School
18.	UW–Milwaukee	Stellar Collegiate Charter School
19.	UW–Milwaukee	UCC Acosta Middle School
20.	UW–Milwaukee	Woodlands School—Bluemound Campus
21.	UW–Milwaukee	Woodlands School East (WSE)—State Street Campus
22.	UW–Parkside	21 <sup>st</sup> Century Preparatory School

Source: The Wisconsin Department of Public Instruction, 2017

*Instrumentality and Non-Instrumentality*

In school districts, the school board may determine whether the charter school is an instrumentality of the school district in which it is located. If the board deems it an instrumentality, the district employs all personnel for the charter school. If the board determines the charter school is not an instrumentality, the personnel are considered employees of the charter school. In 2016-2017, of the 215 charter schools authorized by districts, there were 182 (85 percent) instrumentality and 33 (15 percent) non-instrumentality charter schools.

Although some charter schools are identified as instrumentalities of the district, the word “instrumentality” is not defined in the charter school law and has had limited use in Wisconsin. The word was initially included in the charter law to ensure continuing eligibility of charter school teachers in the Wisconsin Retirement System. *Instrumentality* as used in the retirement law defines the *employer*, making it clear that the employing school district

is responsible for worker's compensation, unemployment compensation, employee insurance and benefits, liability for acts of school staff members, and other employee-related matters.

## **Creating a Charter School**

In Wisconsin, there are two ways to create a charter school: by petition or by proposal. Each method is described below.

### *Charter School Petition*

#### Written Petition

Writing a petition is a collaborative effort between local groups, usually including teachers, administrators, parents, community members, universities or technical colleges, CESAs, students, not-for-profit organizations, or for-profit businesses. Planning requires an understanding of state and federal law as it relates to education, local needs, and educational options.

By law, a petition must include all of the following information:

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 Wis. Stat. § 118.01.
5. The method by which pupil progress in attaining the educational goals under Wis. Stat. § 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 Wis. Stat. § 118.19 (1) Wis. Stat. § 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.

To assist planners and authorizers, DPI established a contract benchmark form that outlines required and suggested items for inclusion in a charter school contract (see Appendix A).

After the petition has been written, it must be signed by at least 10 percent of the teachers district-wide or at least 50 percent of the teachers employed at one school. The petition, which requests that the school board establish a charter school, is then filed with the school district clerk.

#### Public Hearing

The school board must hold a public hearing within 30 days after receiving a charter school petition. At the hearing, the school board considers both the level of employee and parental support described in the petition and the fiscal impact of the establishment of the charter school on the school district. Consequently, the school board may grant or deny the petition.

For Milwaukee only, if the school board denies a petition, then an appeal is possible. An appeal must be filed with DPI within 30 days after receiving the denial from the school board. Then DPI shall issue a decision, which is final and not subject to judicial review, within 30 days after receiving the appeal.

#### Contract

If the school board grants a petition, the school board must contract with the person named in the petition to operate the charter school. The contract must include all 15 provisions required in the petition and may include other provisions agreed to by all parties. The contract may not exceed five school years and may be renewed one or more terms not to exceed five years. The contract must specify the amount to be paid to the charter school during each school year.

#### Conditions for Total Charter School Conversion

In special circumstances, a school board may grant a petition that would result in the conversion of all the public schools in the school district to charter schools. These circumstances must meet both of the following criteria:



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.

### *Charter School Proposal*

#### Written Proposal

A school board may on its own initiative contract with an outside party to operate a charter school. The contract must include all of the 15 provisions required in a petition (as noted above) and may include other provisions as agreed to by all parties. The term of this contract may not exceed five school years and may be renewed for one or more terms not exceeding five years. The contract must specify the amount to be paid to the charter school during each school year and often includes reasons and procedures for revocation or renewal.

#### Notification

Whenever a school board intends to establish a charter school, Wis. Stat. § 118.40 (1), requires that the State Superintendent of Public Instruction be notified. A notice must include a description of the proposed school. A charter school contract, submitted to DPI and which must include 15 items according to Wis. Stat. § 118.40 satisfies this required notification.

#### Public Hearing

In some situations, a private school may want to convert to a charter school or a school may want to convert to be a non-instrumentality charter school. This process starts with a public hearing held by the school district at least 30 days before entering into a contract. At the hearing, the school board considers both the level of employee and parental support for the changes and the fiscal impact of the establishment of the charter school on the school district.

#### Conditions for Total Charter School Conversion

A school board may not enter into a contract that would result in the conversion of all public schools in the school district to charter schools, except as noted above under *Charter School Petition*.

### **First-Level and Second-Level Decisions**

School districts have two distinct levels of decision-making related to charter schools. A first-level decision occurs during the *development* stage of a new charter school when the school district approves further study of a charter school concept, decides to participate in

a consortium of school districts, or signs a planning grant with the purposes of seeking federal charter school planning funds from DPI. A second-level decision occurs at the *implementation* stage when the school district issues a charter, provides a signature on an agreement to participate in a multi-district charter school, or signs an implementation grant with the purpose of seeking federal charter school startup funds from DPI. Both levels of decision-making are to help define petition and proposal activity as it relates to the planning and implementation of new charter schools. To measure this activity, DPI annually distributes an electronic survey. The results of the 2016-2017 charter school activity survey are summarized in the next section.

## Petition and Proposal Activity – Survey Results

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This section describes the petition and proposal activity in school districts during the 2016-2017 school year as well as the action taken by school districts and DPI. The terms “proposal” and “petition” are used interchangeably here. Additionally, although there are multiple authorizers in the state of Wisconsin (e.g. independent authorizers), the data in this report specifically address local school board actions and do not include activity or actions taken on new charter school proposals by non-school board sponsors.

An introductory letter was mailed to the superintendents of all 422 school districts (see Appendix B). The letter requested that each district complete an electronic online survey that asked questions regarding charter school petitions and/or proposals during the 2016-2017 school year. By sending reminders and contacting districts directly, 100 percent of school districts responded.

The electronic online survey had 20 questions (see Appendix C). Questions 1 through 3 identified the person completing the survey, their title, and decisions regarding new charter schools during the 2016-2017 academic year. Questions 4 through 10 asked about first-level decisions made regarding new charter schools. Questions 11 through 17 pertained to second-level decisions made regarding new charter schools. Questions 18 through 19 dealt with concepts and proposals of the new charter schools. The final question, 20, allowed for open comments, giving districts an opportunity to comment generally about charter schools.

### General Information

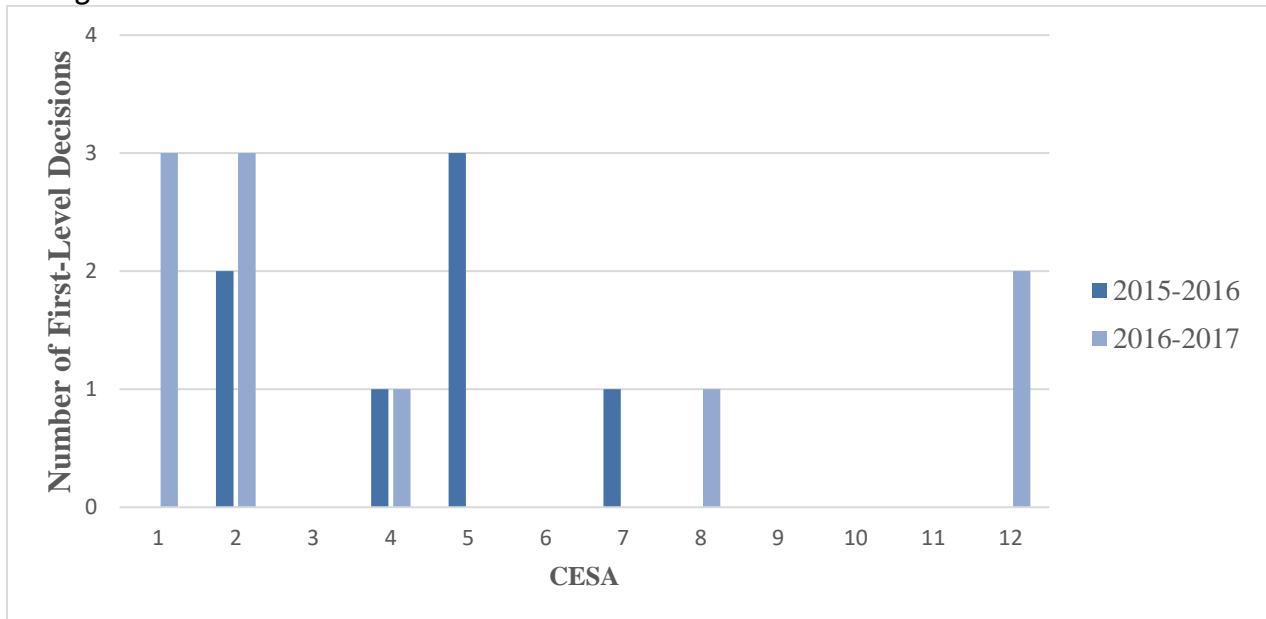
Most of the survey respondents were high-level administrators. Specifically, 372 (88 percent) indicated their title as being District Administrator, Superintendent, or Interim Superintendent. Two respondents (0.5 percent) noted they served as the Assistant Superintendent or Associate Superintendent of their districts. Thirteen survey respondents (three percent) indicated their position as Assistant to the Superintendent, Administrative Assistant, or Executive Assistant.

Twenty-two survey respondents (five percent) indicated their title as being a Charter School Coordinator, Principal, Curriculum Director, Director of Pupil Services, Director of Business Services, Director of Teaching and Learning, Director of Instruction, Director of Secondary Education and other director-level positions. The remaining survey respondents held positions such as Business Manager, Bookkeeper, and others.

Figure 1 provides a breakdown by CESA, comparing the number of first-level decisions made on proposed new charter schools during the 2015-2016 and the 2016-2017 school years. As shown, the number of first-level decisions increased in CESA 1, 8, and 12 while the number of first-level decisions made in CESA 4 remained the same. There were no first-level decisions made in CESA 3, 6, 9, 10, or 11 during the 2015-16 or 2016-17 school years.

■ Figure 1

*Comparison by CESA – Number of First-Level Decisions on Proposed New Charter Schools during the 2015-2016 and 2016-2017 School Years*

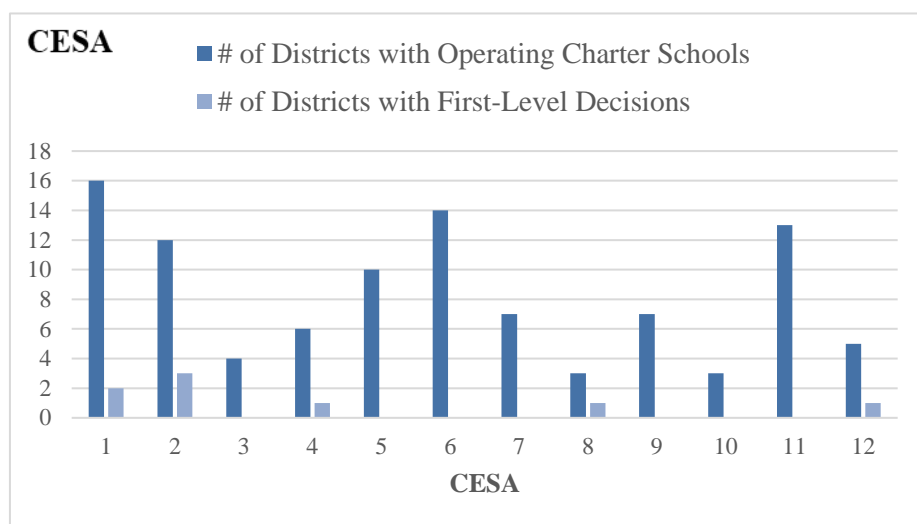


Source: The Wisconsin Department of Public Instruction, 2018

Figure 2 displays a comparison of the number of districts with operating charter schools to the number of districts with first-level decisions for proposed new charter schools in the 2016-2017 school year. Of the eight districts that made first-level decisions, five of them (63 percent) were not operating a charter school at the time of the decision.

■ Figure 2

*Comparison by CESA – Number of Districts with Operating Charter Schools Compared to those with First-Level Decisions on New Charter Schools in 2016-2017*



Source: Wisconsin Department of Public Instruction, 2018

### First-Level Decisions

Between July 1, 2016 and June 30, 2017, eight districts reported a total of 10 first-level decisions. Districts approved 100 percent of the filed proposals for the reasons noted in Table 5.

■ Table 5

*Reasons for Approval of First-Level Decisions*

Reason	Number (n=8)	Percentage
Realizes an alternative vision for schooling	8	100%
Increases student achievement	7	88%
Attracts students	6	75%
Increases parent/community involvement	4	50%
Serves a special population	4	50%
Participates in a charter school consortium	0	0%
Other	0	0%

Source: The Wisconsin Department of Public Instruction, 2018

Note: Districts were able to indicate more than one reason for approval, therefore, percentages will not equal 100.

As noted in the table, the reason most given for approving new proposals by the respondents to our Wisconsin-wide survey was “realizes an alternative vision for schooling” (100 percent). “Increases student achievement” (88 percent) and “attracts students” (75 percent) were also frequently cited. Fifty percent of districts that approved first-level decisions noted “increases parent/community involvement” and “serves a special population” as reasons for approval. No survey respondents cited participating in a charter school consortium or other reasons for approving first-level decisions.

### *Second-Level Decisions*

After the first-level approval, proposals must pass a second level of approval before a charter school can be established. Between July 1, 2016 and June 30, 2017, four Wisconsin school districts reported making four second-level decisions. All four second-level decisions were approved. Reasons for second-level decision approval of a proposal are noted in Table 6.

■ Table 6

*Reasons for Approval of Second-Level Decisions*

Reason	Number (n=4)	Percentage
Increases student achievement	3	75%
Realizes an alternative vision for schooling	3	75%
Serves a special population	3	75%
Attracts students	2	50%
Increases parent/community involvement	2	50%
Participates in a charter school consortium	1	25%
Other	0	0%

Source: The Wisconsin Department of Public Instruction, 2018

Note: Districts were able to indicate more than one reason for approval, therefore, percentages will not equal 100.

The reasons respondents provided for approving second-level decisions were generally consistent with the reasons provided for approving first-level decisions. “Increases student achievement,” “realizes an alternative vision for schooling,” and “serves a special population” were cited by 75 percent of respondents. “Attracts students” (50 percent) and “increases parent/community involvement” (50 percent) were the other two most indicated reasons listed for approval of second-level decisions.

## Source of Petitions and Proposals

A majority of charter school proposals came directly from the district superintendent. Table 7 shows the distribution of charter school proposal initiators.

■ Table 7

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### Source of Charter School Petitions and Proposals

Source	Number (n=9)	Percentage
District Superintendent	6	67%
Community (not-for-profit)	3	33%
Teachers	3	33%
Parents	2	22%
School Administration	2	22%
Business (for-profit)	1	11%
Other	1	11%
CESA	0	0%

Source: The Wisconsin Department of Public Instruction, 2018

Note: Districts were able to indicate more than one reason for approval, therefore, percentages will not equal 100.

## Planning Group Participants

Survey results indicate that community, district superintendents, school administrators, and teachers made up the majority of charter school planning groups during the 2016-2017 school year. Parents and businesses played a smaller role.

■ Table 8

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### Charter School Planning Group Members

Source	Number (n=9)	Percentage
Community (not-for-profit)	7	78%
District Superintendent	7	78%
School Administration	6	67%
Teachers	6	67%
Parents	5	56%
Business (for-profit)	2	22%
Other	1	11%
CESA	0	0%

Source: The Wisconsin Department of Public Instruction, 2018

Note: Districts were able to indicate more than one reason for approval, therefore, percentages will not equal 100.

### *Comments from Survey*

Respondents offered additional comments regarding charter schools during the 2016-2017 academic year. Comments were made regarding steps districts are taking to potentially open new charter schools and the importance of charter school start-up federal grant funding. Additional comments related to appreciation for the DPI charter staff and that the difficulty of the process is worth it because it meets the needs of students.



## **DPI Action on Federal Charter School Grant Applications**

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The department received a federal CSP grant of approximately \$69 million for the five-year project period from 2009 to 2014. Wisconsin requested and was approved for two no-cost extensions during the 2014-15 and 2015-16 school years to continue work in meeting the federal grant objectives. The Wisconsin Department of Public Instruction did not receive any funding for the 2016-17 school year; therefore, no federal funds were awarded to charter schools.

## Charter Consortiums

Forty school districts participated in a multi-partner charter school initiative during the 2016-2017 school year. A list of the sponsor districts and consortium partners is shown in Table 9.

■ Table 9

*School Districts Engaged in Multi-District/Partner Charter Activity*

Authorizing District	Consortium Partners
Cameron School District	Barron Area School District Chetek-Weyerhaeuser Area School District Turtle Lake Area School District
Elkhorn Area School District	Big Foot UHS School District Delavan-Darien School District Lake Geneva-Genoa City School District UHS Williams Bay School District
Lake Mills Area School District	Beloit Turner School District Evansville Community School District Fort Atkinson School District Jefferson School District Marshall School District Mauston School District Monroe School District Stoughton Area School District Sun Prairie Area School District Whitewater Unified School District
Medford Area School District	Abbotsford School District Antigo Unified School District Auburndale School District Bowler School District Colby School District Gilman School District Mosinee School District Pittsville School District Prentice School District Rib Lake School District Spencer School District Stratford School District White Lake School District
New Lisbon School District	Mauston School District Necedah Area School District Royall School District Wonewoc-Union Center School District
Viroqua Area School District	Kickapoo Area School District La Farge School District Westby Area School District
Weyauwega-Fremont School District	Iola-Scandinavia School District Manawa School District Waupaca School District

Source: The Wisconsin Department of Public Instruction, 2017

## Conclusion

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Wisconsin has been one of the leading states in cultivating an environment that fosters innovation in education through charter schools. The number of public school districts that made decisions during the 2016-2017 school year is evidence that districts throughout the state support innovation in education and are exploring how and to what extent charter schools can provide quality options to parents and students in their districts. The Wisconsin Charter School Program supports high-quality charter schools.

## References

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# Appendix A



Wisconsin Department of Public Instruction  
Charter School Contract Reviewer Benchmarks

Date: 2016

	Rating	
General Information	Present	Absent
Indicates name of the person seeking to establish the charter school. §118.40(1m)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
Indicates name of the person who will be in charge of the charter school. §118.40(1m)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Describes the manner in which administrative services will be provided. §118.40(1m)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Identifies the status of the school as a non-instrumentality or instrumentality of the school district. §118.40(7)(a)	<input type="checkbox"/>	<input type="checkbox"/>
The length of the contract is specified, not to exceed 5 years. §118.40(3)(b)	<input type="checkbox"/>	<input type="checkbox"/>
The contract is dated and signatures of the authorizer and the operator of the charter school are provided. §118.40(3)(a)	<input type="checkbox"/>	<input type="checkbox"/>
Adheres to the principles and standards established by the National Association of Charter School Authorizers (NACSA). §118.40(3m)(b).	<input type="checkbox"/>	<input type="checkbox"/>
Governance/Structure	Present	Absent
Describes the level of autonomy afforded the charter school relative to policy and budget development, staffing and evaluation. §5210(1)(a) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Describes how the school will be governed, including method to be followed to ensure parental involvement. §118.40(1m)(b)6	<input type="checkbox"/>	<input type="checkbox"/>
Specifies the membership of the charter school's governing board. No more than a minority of the board members can be employees of the charter school or employees or officers of the school district in which the charter school is located. §118.40(4)(ag)	<input type="checkbox"/>	<input type="checkbox"/>
Specifies that the charter school governing board has all the powers necessary to carry out the terms of the contract, including: <ul style="list-style-type: none"> <li>(1) Receiving and disbursing funds for school purposes;</li> <li>(2) Securing appropriate insurance;</li> <li>(3) Entering into contracts, including contracts with institutions of higher education for technical or financial assistance, academic support, curriculum review, or other services.</li> <li>(4) Pledging, assigning or encumbering its assets to be used as collateral for loans or extensions of credit;</li> <li>(5) Soliciting and accepting gifts or grants for school purposes;</li> <li>(6) Acquiring real property for its use;</li> <li>(7) Suing or be sued in its own name. §118.40(4)(b)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

Governing Board Requirements: Independent Charter Schools	Present	Absent
Indicates the name of the person that will operate the (2r) charter school. This cannot be the authorizer unless the authorizer was operating the school immediately prior to July 2015. §118.40(2r)(b)1.	<input type="checkbox"/>	<input type="checkbox"/>
Includes the annual academic and operational performance standards developed in accordance with the performance framework of the authorizer and a statement that the governing board must adhere to such standards. §118.40(2r)(b)2.a.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the corrective measures the governing board will take if the school fails to meet performance standards. §118.40(2r)(b)2.b	<input type="checkbox"/>	<input type="checkbox"/>
Describes the methodology that will be used by the governing board to monitor and verify pupil enrollment, credit accrual and course completion. §118.40(2r)(b)2.d.	<input type="checkbox"/>	<input type="checkbox"/>
States that authorizer shall have direct access to pupil data and governing board shall provide data needed for the authorizer to complete its annual report under §118.40(3m)(f). §118.40(2r)(b)2.e and i.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the administrative relationship between the parties. §118.40(2r)(b)2.f.	<input type="checkbox"/>	<input type="checkbox"/>
States that governing board will hold parent-teacher conferences at least annually. §118.40(2r)(b)2.g.	<input type="checkbox"/>	<input type="checkbox"/>
States the governing board will participate in any training provided by the authorizer. §118.40(2r)(b)2.j.	<input type="checkbox"/>	<input type="checkbox"/>
Describes all fees that the authorizer will charge the governing board. §118.40(2r)(b)2.k and §5204(f)(4)(B) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Includes the procedures to be followed by the charter school prior to expelling a pupil if the charter contact includes grounds for expelling a pupil from the charter school. §118.40(2r)(b)2m.b.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Charter School Program Description</b> Well organized description of school.	<b>Present</b>	<b>Absent</b>
Describes the charter school educational program offered and students served. §118.40(1m)(b)3	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method used to enable pupils to attain educational goals under Wisconsin Statutes 118.01. §118.40(1m)(b)4	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method by which evidence of student achievement or progress in attaining academic skills and knowledge will be measured. §118.40(1m)(b)5	<input type="checkbox"/>	<input type="checkbox"/>
<b>Procedures and Policies</b>	<b>Present</b>	<b>Absent</b>
Describes the procedures by which students will be disciplined. §118.40(1m)(b)12	<input type="checkbox"/>	<input type="checkbox"/>
Identifies 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. §118.40(1m)(b)13	<input type="checkbox"/>	<input type="checkbox"/>
Indicates how the program and attendance at the charter school is voluntary. §118.40(6)	<input type="checkbox"/>	<input type="checkbox"/>
Clearly states that the charter school does not charge tuition. §118.40(4)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
Describes criteria for granting high school diploma if applicable. 118.33(1)(f)2	<input type="checkbox"/>	<input type="checkbox"/>
Includes methods employed to review qualifications that must be met by individuals employed by the school, assuring that every teacher, supervisor, administrator or professional staff member holds a certificate, permit or license issued by the department before entering duties for such a position [Wisconsin Statutes 118.19(10 and 121.02(1)(a)2.] §118.40(1m)(b)7	<input type="checkbox"/>	<input type="checkbox"/>
Provides procedures by which the school will follow to ensure the health and safety of the pupils. §118.40(1m)(b)8	<input type="checkbox"/>	<input type="checkbox"/>

Admissions	Present	Absent
Provides the requirements for admission to the school. §118.40(1m)(b)10	<input type="checkbox"/>	<input type="checkbox"/>
Provides the procedures used to achieve a racial and ethnic balance among its pupils that is reflective of the school district population. §118.40(1m)(b)9	<input type="checkbox"/>	<input type="checkbox"/>
Describes procedures school will follow to randomly select students if more students apply for admission than space available at the school. The random selection plan must give preference to students who were enrolled in the charter school in the previous year and to siblings of students who are enrolled in the school. The school may give preference to children of the school's founders, governing board members, and full-time employees, but this preference can be given to no more than 10% of the charter school's total enrollment. §118.40(3)(g) and §5210(1)(h) of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001	<input type="checkbox"/>	<input type="checkbox"/>
If the charter school replaces a public school in whole or part, describes how it will give preference in admission to any pupil who resides in the attendance area or the former attendance area of that public school. §118.40(4)(a)1	<input type="checkbox"/>	<input type="checkbox"/>
Includes a nondiscrimination clause stating the charter school will not deny admission or 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. §118.40(4)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Financial/Operational Criteria	Present	Absent
Describes a program which is nonsectarian in its practices, programs, admission policies, employment practices and all other operations. §118.40(4)(a)2	<input type="checkbox"/>	<input type="checkbox"/>
Describes the manner in which annual audits of the financial and programmatic operations of the school will be performed. §118.40(1m)(b)11	<input type="checkbox"/>	<input type="checkbox"/>
Provides a description of the facilities and the types and limits of the liability insurance that the school will carry. §118.40(1m)(b)14	<input type="checkbox"/>	<input type="checkbox"/>
Describes the effect of the establishment of the charter school on the liability of the authorizer where the authorizer is not a school district. §118.40(2r)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Describes the effects of the establishment of the charter school on the liability of the school district and the effect of the establishment of the charter school on the liability of the contracting entity. §118.40(1m)(b)15	<input type="checkbox"/>	<input type="checkbox"/>
The contract specifies the amount to be paid to the charter school each year of the contract. §118.40(3)(b)	<input type="checkbox"/>	<input type="checkbox"/>
Contract addresses how the school district will allocate federal funding for which the charter school is eligible. §5203(b)(2) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Addresses the procedures or reasons by which either party may withdraw or revoke the contract. §118.40(5)	<input type="checkbox"/>	<input type="checkbox"/>
Describes or identifies any waivers of school district policy agreed to by the authorizer and the operator of the charter school. §5210(1)A of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Describes manner of transportation, if provided, to and from the charter school. (Note— school districts are not required to provide transportation to charter schools.)	<input type="checkbox"/>	<input type="checkbox"/>
Virtual Charter School Requirements	Present	Absent
The virtual charter school is under contract with a school board under Wis. Stats. §118.40 (8). §115.001 (16)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school is located in the school district of the authorizing school board or, if authorized through an agreement with one or more school boards or the board of control of a CESA, in the school district specified in the agreement. §118.40 (8)(a)	<input type="checkbox"/>	<input type="checkbox"/>

The teacher assigned for each online course in the virtual charter school is appropriately licensed for the grade level and subject taught. §118.40 (8)(b)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school provides educational services to its pupils for at least 150 school days each year. §118.40 (8)(d)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school ensures 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)2 each school year. No more than 10 hours in any 24-hour period may count toward these requirements. §118.40 (8)(d)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school ensures 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. §118.40 (8)(d)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school ensures that a parent advisory council is established for the school and meets on a regular basis. The governing body shall determine the selection process for members of the parent advisory council. §118.40 (8)(e)	<input type="checkbox"/>	<input type="checkbox"/>
The virtual charter school informs the parent or guardian of each pupil attending the 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 (3) the members of the virtual charter school's parent advisory council; and (4) the staff of the virtual charter school. §118.40 (8)(e)	<input type="checkbox"/>	<input type="checkbox"/>





## Charter School Activity Survey 2016-17

**Due Date:** Friday, August 18, 2017

School District Name:  
School District Code:  
CESA:

*PII-0008 Collection of this information is a requirement of s.115.28 (49), Wis. Stats.*

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Dear District Administrator,

The Department of Public Instruction must annually report to the Legislature on the status of existing charter schools, the number of petitions/proposals for new charter schools, and school board and departmental action on petitions/proposals for new charter schools.

This survey seeks information on decisions regarding new charter school petitions or proposals within your school district between July 1, 2016 and June 30, 2017 only.

You are asked to participate regardless of whether your district has charter schools or whether your district made decisions about charter school petitions/proposals.

If your district DID NOT make any decisions regarding new charter schools between July 1, 2016 and June 30, 2017, indicate this on the survey.

If your district DID make decisions regarding new charter schools between July 1, 2016 and June 30, 2017, please respond to the questions below regarding approval or denial for each proposal filed, and select a reason(s) for approval or denial for each proposal filed. If multiple proposals have been approved or denied, provide clarification of reasons in the space for comments at the end.

A first level decision is defined as a concept approval for the purposes of further study, participation in a consortium or a signed charter school planning grant. A second level decision is defined as an approved charter contract between the district and the operator of a charter school, a written agreement to participate in a consortium or a signature on a charter school implementation grant.

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The form may be electronically submitted by pressing the "Submit Survey" button at the bottom of the survey.

If you have questions while completing the survey or encounter difficulty when transmitting the survey, contact Latoya Holiday at 608-266-5880 or [latoya.holiday@dpi.wi.gov](mailto:latoya.holiday@dpi.wi.gov).



**General Information**

Name of person completing survey.

Title of person completing survey.

Did your district make ANY decisions regarding new charter schools between July 1, 2016 and June 30, 2017?

- Yes
- No



## Charter School First-Level Decisions

First-level decisions are defined as a concept approval for the purposes of further study, participation in a consortium or a *signed charter school planning grant*.

Did the district make any first-level decisions?

- Yes  
 No

From July 1, 2016, to June 30, 2017, how many first-level decisions were made by the district?

Number of approved first-level decisions.

If applicable, reason(s) for approving first-level decisions. *Select all that apply.*

- a. Serves a special population  
 b. Increases student achievement  
 c. Increases parent/community involvement  
 d. Attracts students  
 e. Realizes an alternative vision for schooling  
 f. Participates in a charter school consortium *List the districts in the consortium*   
 g. Other

Did the district have any first-level decision denials?

- Yes  
 No

Number of denied first-level decisions.

If applicable, reason(s) for denying first-level decisions. *Select all that apply.*

- a. Declining enrollment  
 b. Financial reasons  
 c. Program not unique or innovative  
 d. Lack of teacher, parent or community support  
 e. Liability of district  
 f. Withdrew from a multi-district consortium *List the districts in the consortium:*

g. Other

## Charter School Second-Level Decisions

Second-level decisions are defined as an approved charter contract, a written agreement to participate in a consortium or a signature on a charter school implementation grant.

Did the district make any second-level decisions?

- Yes  
 No

From July 1, 2016, to June 30, 2017, how many second-level decisions were made by the district?

Number of approved second-level decisions.

If applicable, reason(s) for approving second-level decisions. *Select all that apply.*

- a. Serves a special population  
 b. Increases student achievement  
 c. Increases parent/community involvement  
 d. Attracts students  
 e. Realizes an alternative vision for schooling  
 f. Participates in a charter school consortium List the districts in the consortium:   
 g. Other

Did the district have any second-level decision denials?

- Yes  
 No

Number of denied second-level decisions

If applicable, reason(s) for denying second-level decisions. *Select all that apply.*

- a. Declining enrollment  
 b. Financial reasons  
 c. Program not unique or innovative  
 d. Lack of teacher, parent or community support  
 e. Liability of district  
 f. Withdrew from a multi-district consortium. *List the districts in the consortium.*   
 g. Other

## Concepts and Proposals

Who initiated the charter school concept(s) or proposal(s)? *Select all that apply.*

- a. District superintendent
- b. School administration (principal, curriculum director, etc.)
- c. CESA
- d. Teachers
- e. Parents
- f. Community (not for profit)
- g. Business for profit
- h. Other

Identify members of the planning group. *Select all that apply.*

- a. District superintendent
- b. School administration (principal, curriculum director, etc.)
- c. CESA
- d. Teachers
- e. Parents
- f. Community (not for profit)
- g. Business for profit
- h. Other



## Additional Comments

Provide any comments you have about charter schools in Wisconsin.