

Statutory Report Series Legislative Report on Charter Schools 2017-2018

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Executive Summary

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 2017-2018 school year.

This report documents two distinct levels of decision-making regarding new 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 the 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 2017-2018 school year, 20 districts (4.7 percent) reported charter school activity as defined above, including at least one district in nine of the 12 regional Cooperative Educational Services Agencies (CESA). A breakdown of the activity shows 15 school boards made 16 first-level charter school decisions, and 14 school boards made 14 second-level charter school decisions. Of the first-level decisions, 16 of 16 (100 percent) were approved. Of the second-level decisions, 14 of 14 (100 percent) were approved. Five districts reported a first-level decision and not a second-level decision and four school districts reported a second-level decision but not a first-level decision.

Introduction

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 2017-18 school year, there were more than 7,000 charter schools in operation across the country serving close to 3.2 million students. (National Alliance for Public Charter Schools, 2018).

Stimulated by a boost of federal funding for charter schools, the number of charter schools over the last two decades has increased. USDE awarded \$77,790,768 in new awards in the 2018 fiscal year Charter School Programs State Entities grant competition (Office of Innovation & Improvement, n.d.).

Wisconsin Charter Schools

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) 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) the College of Menominee Nation; (d) the Lac Courte Oreilles Ojibwa Community College; and (e) the Waukesha County Executive. None of these entities authorized a charter school during the 2017-18 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, removing many of the residency and location restrictions on independent charter schools, 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 2015 Act 55. The new provisions specified that 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 contained no geographic restrictions within the state on where prior law authorizers can locate a school or on which pupils can attend these schools. Act 55 allowed operators of independent charter schools to claim state aid for providing transportation to students.

2017 Wisconsin Act 59 also allows independent charter schools to receive funding for summer school.

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 2017.

■ 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%
2017-2018	234	-1%

Source: The Wisconsin Department of Public Instruction, 2019

For the 2017-2018 school year, 234 charter schools were in operation in Wisconsin, a decrease of 1 percent from the previous school year. There were 98 Wisconsin school boards that authorized 211 charter schools, and three non-school board authorizers that authorized 23 charter schools. While eight charter schools closed at the end of the 2016-17 school year, five new charter schools opened at the beginning of the 2017-18 school year. By the end of the 2017-18 school year, 12 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 42,000 Wisconsin

students (4.9% of all Wisconsin K-12 students) attended a charter school during the 2017-2018 school year.

■ Table 2

States with the Most Charter Schools

		Total Number of Charter Schools				
2017-2018 Rank	State	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
1	California	1,130	1,184	1,234	1,253	1,275
2	Texas*	689	721	723	761	774
3	Florida	625	653	656	656	661
4	Arizona	605	623	535	547	556
5	Ohio	400	384	373	362	345
6	Michigan	297	307	300	301	301
7	New York	233	248	257	267	281
8	Colorado	197	214	224	238	250
9	Wisconsin	242	243	242	237	234
10	Pennsylvania	176	176	175	183	179

*This data represents campuses, not charters

Source: The National Alliance for Public Charter Schools (NAPCS), 2014, 2015, 2016, 2017, and 2018 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.

In September 2017, DPI was the recipient of a \$95 million federal grant from USDE to support charter activities over the next five years. These federal funds are disseminated through the Wisconsin Charter School Program (WCSP) and administered by DPI. The department awarded over \$17 million to 26 charter schools in 2017-18 to plan, open, or expand charter schools in the state starting in the 2018-19 school year. Part of the federal grants supports the Wisconsin Resource Center for Charter Schools (WRCCS), which offers statewide technical assistance to support both charter schools, governing boards, and authorizers.

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, WRCCS 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

	2017-2018	
	Charter	State
White, not Hispanic or Latino	49.0%	69.9%
Black or African American, not Hispanic or Latino	21.5%	9.1%
Hispanic or Latino	19.6%	12.0%
Asian/Pacific Islander	5.9%	4.0%
American Indian or Alaskan Native	0.6%	1.1%
Native Hawaiian or other Pacific Islander	0.1%	0.1%
Two or more races	3.4%	3.8%

Source: The Wisconsin Department of Public Instruction, 2018

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.

Charter schools receiving federal grant funds are subject to the Non-regulatory Guidance of the Public Charter Schools Program of the U.S. Department of Education. For a copy of this document, which clearly spells out admission and lottery requirements, please visit: <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>.

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 authorizes, which include Gateway

Technical College, the Waukesha County Executive, College of Menominee Nation, Lac Courte Oreilles Ojibwa Community College, and the OEO 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 grants these entities authority to authorize charter schools.

During the 2017-2018 school year, there were a total of 23 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

	Authorizer	School
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	Pathways High School
14.	UW–Milwaukee	Penfield Montessori Academy
15.	UW–Milwaukee	School for Early Development & Achievement (SEDA)
16.	UW–Milwaukee	Seeds of Health, Inc.: Seeds of Health Elementary School
17.	UW–Milwaukee	Seeds of Health, Inc.: Tenor High School
18.	UW–Milwaukee	Seeds of Health, Inc.: Veritas High School
19.	UW–Milwaukee	Stellar Collegiate Charter School
20.	UW–Milwaukee	UCC Acosta Middle School
21.	UW–Milwaukee	Woodlands School– Bluemound Campus
22.	UW–Milwaukee	Woodlands School East –State Street Campus
23.	UW–Parkside	21 st Century Preparatory School

Source: The Wisconsin Department of Public Instruction, 2018

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 2017-2018, of the 211 charter schools authorized by districts, there were 177 (84 percent) instrumentality and 33 (16 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) and 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 the department 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 start-up 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 2017-2018 charter school activity survey are summarized in the next section.

Petition and Proposal Activity – Survey Results

This section describes the petition and proposal activity in school districts during the 2017-2018 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 2017-2018 school year. By sending reminders and contacting districts directly, 100 percent of school districts responded.

The electronic online survey had 13 questions (see Appendix C). The person completing the survey was asked to identify their name, title, email address, and decisions regarding new charter schools during the 2017-2018 academic year. Questions 1 through 5 pertained to first-level decisions made regarding new charter schools. Questions 6 through 10 related to second-level decisions made regarding new charter schools. Questions 11 through 12 dealt with concepts and proposals of the new charter schools. The final question, 13, allowed for open comments, giving districts an opportunity to comment generally about charter schools.

General Information

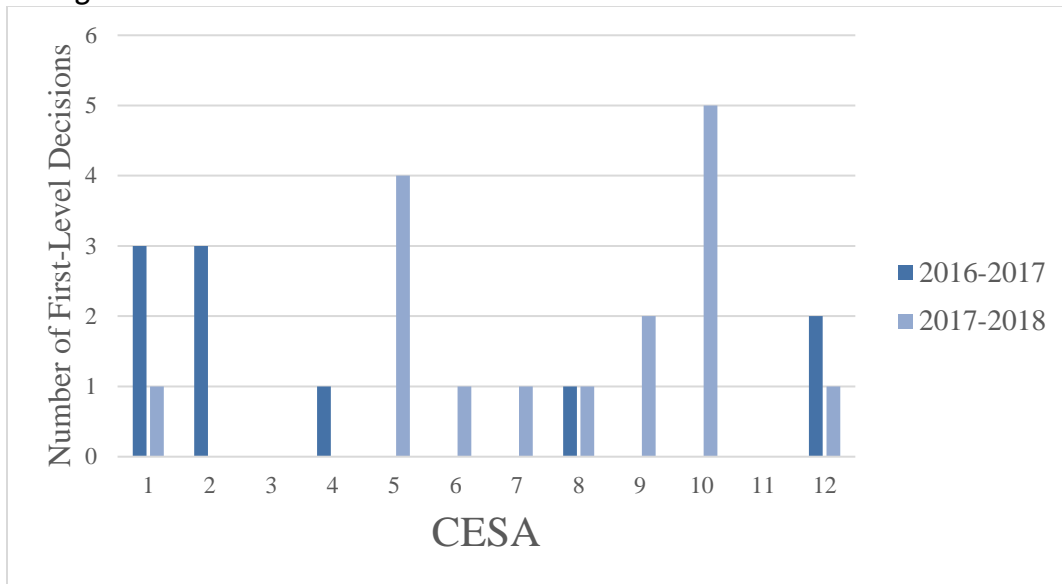
Most of the survey respondents were high-level administrators. Specifically, 319 (76 percent) indicated their title as being District Administrator, Superintendent, or Interim Superintendent. Three respondents (0.7 percent) noted they served as the Assistant Superintendent or Associate Superintendent of their districts. Thirty survey respondents (seven percent) indicated their position as Assistant to the Superintendent, Administrative Assistant, or Executive Assistant.

Forty-six survey respondents (11 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 2016-2017 and the 2017-2018 school years. As shown, the number of first-level decisions made increased in CESA 5, 6, 7, 9, and 10, while the number of first-level decisions made in CESA 8 remained the same. There were no first-level decisions made in CESA 3 or 11 during the 2016-17 or 2017-18 school years.

■ Figure 1

Comparison by CESA - Number of First-Level Decisions on Proposed New Charter Schools during the 2016-2017 and 2017-2018 School Years

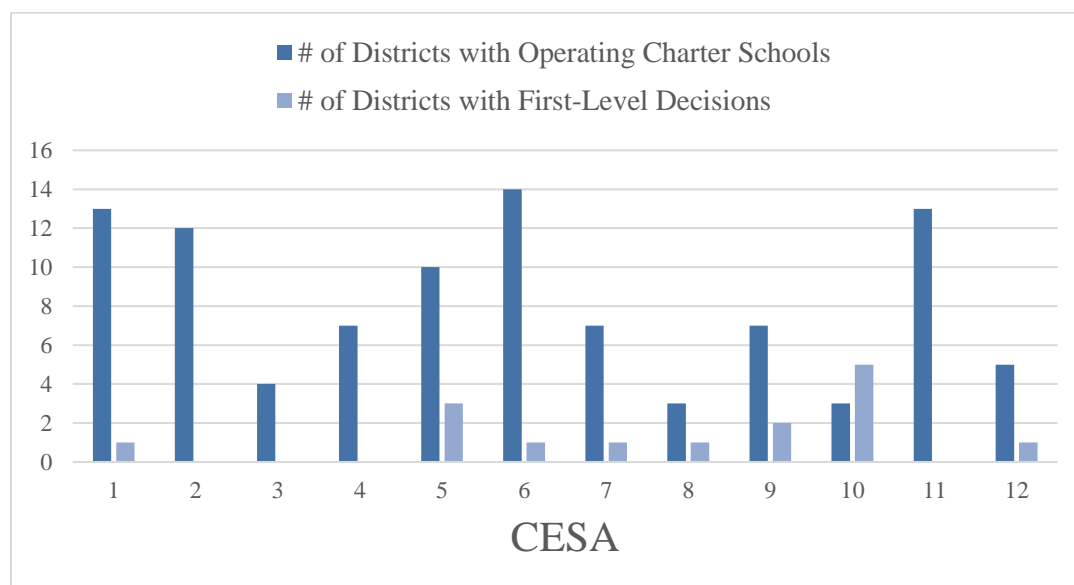


Source: The Wisconsin Department of Public Instruction, 2019

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 2017-2018 school year. Of the 15 districts that made first-level decisions, 10 of them (67 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 2017-2018



Source: Wisconsin Department of Public Instruction, 2019

First-Level Decisions

Between July 1, 2017 and June 30, 2018, 15 districts reported a total of 16 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=15)	Percentage
Realizes an alternative vision for schooling	13	87%
Increases student achievement	10	67%
Serves a special population	10	67%
Attracts students	9	60%
Increases parent/community involvement	8	53%
Participates in a charter school consortium	7	47%

Source: The Wisconsin Department of Public Instruction, 2019

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” (87 percent). “Increases student achievement” (67 percent), “serves a special population” (67 percent), and “attracts students” (60 percent) were also frequently cited. Fifty-three percent of districts that approved first-level decisions noted “increases parent/community involvement” as reasons for approval. Forty-seven percent cited participating in a charter school consortium.

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, 2017 and June 30, 2018, 14 Wisconsin school districts reported making 14 second-level decisions. All 14 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=14)	Percentage
Realizes an alternative vision for schooling	12	86%
Attracts students	10	71%
Increases student achievement	10	71%
Serves a special population	7	50%
Increases parent/community involvement	6	43%
Participates in a charter school consortium	4	29%

Source: The Wisconsin Department of Public Instruction, 2019

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. “Realizes an alternative vision for schooling” was cited by 86 percent of respondents. “Increases student achievement” and “attracts students” (71 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

Source of Charter School Petitions and Proposals

Source	Number (n=20)	Percentage
District Superintendent	15	75%
Parents	11	55%
School Administration	10	50%
Teachers	10	50%
Community (not-for-profit)	5	25%
CESA	4	20%
Business (for-profit)	2	10%

Source: The Wisconsin Department of Public Instruction, 2019

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 district superintendents, teachers, school administrators, and parents made up the majority of charter school planning groups during the 2017-2018 school year. CESAs, communities, and businesses played a smaller role.

■ Table 8

Charter School Planning Group Members

Source	Number (n=20)	Percentage
District Superintendent	17	85%
Teachers	16	80%
Parents	15	75%
School Administration	15	75%
CESA	8	40%
Community (not-for-profit)	8	40%
Business (for-profit)	3	15%

Source: The Wisconsin Department of Public Instruction, 2019

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 2017-2018 academic year. Comments were made regarding the importance of charters because they offer choice and alternative options for students, a desire to explore authorizing a charter school, and the benefits of being part of a consortium. Additional comments described the importance of ensuring charter schools are held to the same standards as other traditional public schools and comments regarding the amount of flexibility traditional public schools can have outside of the charter model.

DPI Action on Federal Charter School Grant Applications

In September 2017, DPI received a federal CSP grant of approximately \$95 million for the five-year project period from 2017 to 2022. The department awarded 26 grants and over \$17 million to plan, open, or expand charter schools starting in the 2018-19 school year.

Charter Consortiums

Forty school districts participated in a multi-partner charter school initiative during the 2017-2018 school year. A list of the sponsor districts and consortium partners is shown in Table 10.

■ 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 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, 2018

Conclusion

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 regarding new charter schools during the 2017-2018 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.

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Appendix A



CHARTER SCHOOL CONTRACT BENCHMARKS

In order to receive or maintain a DPI school code, or to receive federal Charter Schools Program grant funds for Implementation or Replication/Expansion, a charter school must have a duly executed contract on file with the DPI that satisfies all provisions required under state law and federal law, where applicable. Please use the benchmarks below to ensure the charter school contract meets the requirements of the law. For ease of review, please note, in the appropriate column, the page number and corresponding section of the contract where each provision can be found. Submit this completed form along with your final contract that includes appropriate signatures to the DPI.

ALL CONTRACTS MUST INCLUDE THE FOLLOWING STATE LAW REQUIREMENTS:

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
The name of the person seeking to establish the charter school. §118.40(1m)(b)1.		
The name of the person who will be in charge of the charter school. §118.40(1m)(b)2.		
A description of the educational program of the school. §118.40(1m)(b)3.		
The method used to enable pupils to attain educational goals under Wisconsin Statutes 118.01. §118.40(1m)(b)4.		
The method by which evidence of student achievement or progress in attaining academic skills and knowledge will be measured. §118.40(1m)(b)5.		
How the school will be governed, including method to be followed to ensure parental involvement. §118.40(1m)(b)6.		
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.		
Procedures the school will follow to ensure the health and safety of the pupils. §118.40(1m)(b)8		
The procedures used to achieve a racial and ethnic balance among pupils that is reflective of the school district population. §118.40(1m)(b)9		
The requirements for admission to the school. §118.40(1m)(b)10		
The manner in which annual audits of the financial and programmatic operations of the school will be performed. §118.40(1m)(b)11		
The procedures by which students will be disciplined. §118.40(1m)(b)12		
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		
A description of the facilities and the types and limits of the liability insurance that the school will carry. §118.40(1m)(b)14		

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Evidence that the contract is duly executed. §118.40(3)(a) <i>Typically dates and signatures of the authorizer and the operator of the charter school.</i>		
The amount to be paid to the charter school each year of the contract. §118.40(3)(b)		
The length of the contract, not to exceed 5 years. §118.40(3)(b)		
The 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 school’s total enrollment. §118.40(3)(g)		
Evidence that the charter governance board is a legally incorporated governing board independent of the authorizer. <i>This requirement is typically evidenced through the contract, though other means of providing evidence may be used.</i>		
<u>DISTRICT-AUTHORIZED CHARTER SCHOOLS ONLY</u> The status of the school as a non-instrumentality or instrumentality of the school district. §118.40(7)(a)		
<u>DISTRICT-AUTHORIZED CHARTER SCHOOLS ONLY</u> The effects of the establishment of the charter school on the liability of the school district §118.40(1m)(b)15		

ALL CONTRACTS WITH INDEPENDENT AUTHORIZERS MUST ALSO INCLUDE:

This section does not apply to district-authorized charter schools

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
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.		
The corrective measures the governing board will take if the school fails to meet performance standards. §118.40(2r)(b)2.b		
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. §118.40(2r)(b)2.c.		
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.		
A statement that the 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.		
A description of the administrative relationship between the parties. §118.40(2r)(b)2.f.		

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
A statement that the governing board will hold parent-teacher conferences at least annually. §118.40(2r)(b)2.g.		
A requirement that if more than one charter school is operated under the contract, the charter school governing board reports to the authorizer on each charter school separately. §118.40(2r)(b)2.h		
A statement that the governing board will participate in any training provided by the authorizer. §118.40(2r)(b)2.j.		
A description of all fees that the authorizer will charge the governing board. §118.40(2r)(b)2.k		
If the charter contract includes grounds for expelling a pupil from the charter school, the procedures to be followed by the charter school prior to expelling a pupil. §118.40(2r)(b)2m.b.	<i>May not apply</i>	
The effect of the establishment of the charter school on the liability of the contracting entity. §118.40(2r)(b)2		

All authorizers are required to consider to the Principles and Standards established by the National Association of Charter School Authorizers when contracting for the establishment of a charter school. Below are select NACSA contracting provisions that should be considered for contracting purposes. See <http://www.qualitycharters.org/for-authorizers/principles-and-standards/> for the complete document containing all Principles and Standards.

Select NACSA Provisions For Consideration:

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
States the rights and responsibilities of the school and the authorizer.		
States and respects the autonomies to which schools are entitled— based on statute, waiver, or authorizer policy—including those relating to the school’s authority over educational programming, staffing, budgeting, and scheduling		
Defines performance standards, criteria, and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions		
States the statutory, regulatory, and procedural terms and conditions for the school’s operation		
States reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly		
States the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer		
States the responsibilities of the school and the authorizer in the event of school closures		
Includes the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality		

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Defines clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to state and federal measures		
Includes expectations for appropriate access, education, support services, and outcomes for students with disabilities		
Defines the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state.		
Defines the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability		
Defines the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship		
Includes clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population		
For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the charter governing board and the school’s financial independence from the external provider.		

CHARTER SCHOOLS RECEIVING FEDERAL CHARTER SCHOOLS PROGRAM FUNDS MUST ALSO INCLUDE THE FOLLOWING PROVISIONS IN THEIR CONTRACT:

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Describes the level of autonomy afforded the charter school relative to policy, operation, budget development, staffing and evaluation. ESSA §4303(f)(2)(A)		
Addresses how the school district will allocate federal funding for which the charter school is eligible. ESSA §4303(f)(1)(A)(iii)		
Describes or identifies any waivers of school district policy agreed to by the authorizer and the operator of the charter school. ESSA §4303(f)(3)(B)		
Describes the quality controls agreed to between the charter school and the authorizer. ESSA§4303(f)(1)(C)		
Describes how the charter school’s performance in the State’s accountability system and impact on student achievement will be one of the most important factors for renewal or revocation of the charter school’s contract. ESSA§4303(f)(1)(C)		

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Describes how the authorizer will reserve the right to revoke or not renew the charter school’s contract based on financial, structural or operational factors involving the management of the school. ESSA§4303(f)(1)(C)		

BELOW ARE ADDITIONAL CONSIDERATIONS AND PROVISIONS THE DPI STRONGLY RECOMMENDS TO BE INCLUDED IN ALL CHARTER CONTRACTS:

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Specify 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) <i>Under federal rules, charter schools receiving federal charter school program funds may not have any employees or officers of the authorizing entity on the charter school’s governing board.</i>		
Specify 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"> ○ Receiving and disbursing funds for school purposes; ○ Securing appropriate insurance; ○ Entering into contracts, including contracts with institutions of higher educations for technical or financial assistance, academic support, curriculum review, or other services. ○ To incur debt in reasonable anticipation of the receipt of funds. ○ Pledging, assigning or encumbering its assets to be used as collateral for loans or extensions of credit; ○ Soliciting and accepting gifts or grants for school purposes; ○ Acquiring real property for its use; ○ Suing or be sued in its own name. §118.40(4)(d) 		
Indicate how the program and attendance at the charter school is voluntary. §118.40(6)		
Clearly state that the charter school does not charge tuition. §118.40(4)(b)1		
Describe criteria for granting high school diploma, if applicable. 118.33(1)(f)2		
Provide assurance 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. §118.40(1m)(b)7		

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ ABSENT (DPI USE)
Include 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		
State that the program is nonsectarian in its practices, programs, admission policies, employment practices and all other operations. §118.40(4)(a)2		
Address the procedures or reasons by which either party may withdraw or revoke the contract. §118.40(5)		
Describe manner of transportation, if provided, to and from the charter school. (Note—school districts are not required to provide transportation to charter schools.)		

Additional Considerations for Virtual Charter Schools:

- The virtual charter school must be under contract with a school board under Wis. Stats. §115.001 (16). §118.40 (8)
- The virtual charter school will be 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)
- The teacher assigned for each online course in the virtual charter school must be appropriately licensed for the grade level and subject taught. §118.40 (8)(b)
- The virtual charter school provides educational services to its pupils for at least 150 school days each year. §118.40 (8)(d)
- The virtual charter school must 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)2 each school year. No more than 10 hours in any 24-hour period may count toward these requirements. §118.40 (8)(d)
- The virtual charter school must 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. §118.40 (8)(d)
- The virtual charter school must ensure 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)
- The virtual charter school must inform 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)



Charter School Activity Data

Due Date: October 31, 2018

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.

In compliance with this requirement, each year the State Superintendent requests districts' participation in a DPI administered electronic survey to gather necessary data to include in our annual report to the legislature.

If your district DID NOT make any decisions regarding new charter schools between July 1, 2017, and June 30, 2018, indicate this on the survey.

If your district DID make decisions regarding new charter schools between July 1, 2017 and June 30, 2018, respond to the questions below regarding approval or denial for each petition or proposal filed, and select a reason(s) for approval or denial for each petition or 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.

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

Complete and submit the survey electronically by October 31, 2018. If you have questions while completing the survey or encounter difficulty when transmitting the survey contact HYPERLINK "mailto:charterschools@dpi.wi.gov" charterschools@dpi.wi.gov.

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PII-00573



District Information

Administrator:
Email Address:
District Name:
LEA Code:
CESA:

Contact information for person completing the survey

Name <i>First and Last</i>	<input type="text"/>
Title	<input type="text"/>
Email Address	<input type="text"/>

Did your district make **ANY** decisions regarding new charter schools between July 1, 2017, and June 30, 2018?*

- Yes
- No

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PII-00573

District Decisions

1. From July 1, 2017, to June 30, 2018, how many first-level decisions were made by the district?

2. Number of approved first-level decisions. *Enter "0" if none were approved.*

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

- Serves a special population
- Increases student achievement
- Increases parent/community involvement
- Attracts students
- Realizes an alternative vision for schooling
- Participates in a charter school consortium

List the districts in the consortium

4. Number of denied first-level decisions. *Enter "0" if none were approved.*

5. If applicable, reason(s) for denying proposals *Select all that apply*

- Declining enrollment
- Financial reasons
- Program not unique or innovative
- Lack of teacher, parent support
- Liability of district
- Withdrew from a multi-district consortium

List the districts in the consortium

6. From July 1, 2017, to June 30, 2018, how many second-level decisions were made by the district? *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.*

7. Number of approved second-level decisions. *Enter "0" if none were approved.*

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

- Serves a special population
- Increases student achievement
- Increases parent/community involvement
- Attracts students
- Realizes an alternative vision for schooling
- Participates in a charter school consortium *List the district in the consortium*

9. Number of denied second-level decisions. *Enter "0" if none were approved.*

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

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

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

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

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

- District Superintendent
- School Administration (principal, curriculum director, etc.)
- CESA
- Teachers
- Parents
- Community (Not for Profit)
- Business (For Profit)

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

- District Superintendent
- School Administration (principal, curriculum director, etc.)
- CESA
- Teachers
- Parents
- Community (Not for Profit)
- Business (For Profit)

Provide any comments you have about charter schools in Wisconsin.

Submit Survey