

# **Statutory Report Series Legislative Report on Charter Schools 2019-2020**

Developed by  
DPI Charter Schools Team  
Parental Education Options



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

This publication is available from:

Parental Education Options Team  
Wisconsin Department of Public Instruction  
125 South Webster Street  
Madison, WI 53703

608-266-5728

<https://dpi.wi.gov/parental-education-options/charter-schools/archives>

December 2020 Wisconsin Department of Public Instruction

The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or ability and provides equal access to the Boy Scouts of America and other designated youth groups.

# Table of Contents

---

Table of Contents.....	iii
Tables.....	iv
Figures.....	iv
Executive Summary.....	v
Introduction.....	1
Wisconsin Charter Schools.....	2
History of Wisconsin’s Charter School Law.....	2
Growth of Charter Schools in Wisconsin.....	4
Overview of Wisconsin’s Charter Schools.....	6
Aspects of Autonomy.....	6
Accessibility and Admission.....	6
Independent Authorizers.....	8
Instrumentality and Non-Instrumentality.....	9
Creating a District Authorized Charter School.....	9
Charter School Petition.....	9
Charter School Proposal.....	11
“School Board Concept Approval” and “School Board Approval Action on a Petition”.....	12
Petition and Proposal Activity – Survey Results.....	13
General Information.....	13
“School Board Concept Approval” Decisions.....	15
“School Board Approval Action on a Petition” Decisions.....	16
Source of Petitions and Proposals.....	17
Planning Group Participants.....	17
Comments from Survey.....	17
DPI Action on Federal Charter School Grant Applications.....	18
Charter Consortiums.....	20
Conclusion.....	21
References.....	22
Appendix A.....	23
Appendix B.....	36
Appendix C.....	37

## Tables

---

Table 1: Growth of Charter Schools in Wisconsin.....	4
Table 2: States with the Most Charter Schools .....	5
Table 3: Wisconsin’s Charter School Population by Race/Ethnicity .....	7
Table 4: Wisconsin’s Independent Charter Schools .....	8
Table 5: Reasons for Approval of “School Board Concept Approval” Decisions .....	15
Table 6: Reasons for Approval of “School Board Approval Action on a Petition” Decisions.....	16
Table 7: Source of Charter School Petitions and Proposals .....	17
Table 8: Charter School Planning Group Members .....	17
Table 9: The DPI Action on Grant Applications Submitted March 2018 .....	18
Table 10: School Districts Engaged in Multi-District/Partner Charter Activity.....	20

## Figures

---

Figure 1: Comparisons by CESA – Number of “School Board Concept Approval” Decisions on Proposed New Charter Schools During the 2018-2019 and 2019-2020 School Years .....	14
Figure 2: Comparisons by CESA – Number of Districts with Operating Charter Schools Compared to Those with “School Board Concept Approval” Decisions on New Charter Schools in 2019-2020.....	15

## 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 the charter school activity survey in the 421 Wisconsin school districts during the 2019-2020 school year.

This report documents two distinct stages of decision-making regarding new charter school proposals. The first is a “school board concept approval” decision (previously known as first-level decision) which includes the following: (1) further study of a new charter school; (2) considering participation in a charter consortium; or (3) study of a federal Charter Schools Program grant or subgrant for a new or replicated charter school. A “school board concept approval” occurs during the charter school’s *development* stage. The second is a “school board approval action on a petition” decision (previously known as a second-level decision) which is defined as (1) an approved charter contract between the district and the operator of a charter school for a new charter school; (2) an approved written agreement to participate in a consortium; or (3) a signature on a federal Charter Schools Program grant or subgrant for a new or replicated charter school. A “school board approval action on a petition” decision occurs during the *implementation* stage. For the purpose of this definition, petition and proposal can be used interchangeably.

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 2019-2020 school year, 15 districts (3.6 percent) reported charter school activity as defined above, including at least one district in seven of the 12 regional Cooperative Educational Services Agencies (CESA). A breakdown of the activity shows 12 school boards made 12 “school board concept approval” charter school decisions, and eight school boards made seven “school board approval action on a petition” charter school decisions. Of the “school board concept approval” decisions, 10 of 12 (83 percent) were approved. Of the “school board approval action on a petition” decisions, seven of eight (88 percent) were approved.



# Introduction

---

Charter schools, as defined by the United States Department of Education (USDE), are a form of public school choice that provide 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 unique 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 2018-19 school year, there were more than 7,500 charter schools in operation across the country serving over 3.3 million students. (National Alliance for Public Charter Schools, 2020).

Stimulated by a boost of federal funding for charter schools, the number of charter schools over the last two decades has increased. USDE awarded \$81,696,397 in new awards in the 2020 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 (WCSP) 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. In addition, a number of changes regarding authorizers 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. These independent chartering entities are often referred to as “2r” or “2x” authorizers because Wis. Stat. § 118.40 (2r) and Wis. Stat. § 118.40 (2x) pertains to these entities. (For more information, see *Independent Authorizers*.) 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 most of the previous residency and location restrictions. The only remaining restriction is that Waukesha County Executive-authorized schools would still need to be located in Waukesha County.

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 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, other than the Waukesha County Executive authorizer, 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 allowed independent charter schools to receive funding for summer school. The Act also specified that a charter school authorizer must only consider (rather than adhere to, under prior law) the principles and standards for quality charter schools established by NACSA when contracting for the establishment of a charter 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 2019.

■ 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%
2018-2019	233	-0.4%
2019-2020	236	1%

Source: The Wisconsin Department of Public Instruction, 2020

For the 2019-2020 school year, 236 charter schools were in operation in Wisconsin, an increase of one percent from the previous school year. There were 92 Wisconsin school boards that authorized 211 charter schools, and four non-school board authorizers that authorized 25 charter schools. While 12 charter schools closed at the end of the 2018-19 school year, 15 new charter schools opened at the beginning of the 2019-20 school year. By the end of the 2019-20 school year, 14 charter schools closed for a variety of reasons, including low student enrollment, and conversion to traditional 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 (five percent of all Wisconsin K-12 students) attended a charter school during the 2019-2020 school year.

■ Table 2

*States with the Most Charter Schools*

		<b>Total Number of Charter Schools</b>				
<b>2018-2019 Rank</b>	<b>State</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>
1	California	1,184	1,234	1,253	1,275	1,350
2	Texas	721*	723*	761*	774*	834**
3	Florida	653	656	656	661	654
4	Arizona	623	535	547	556	556
5	Michigan	307	300	301	301	370
6	Ohio	384	373	362	345	322
7	New York	248	257	267	281	302
8	Colorado	214	224	238	250	261
9	Wisconsin	243	242	237	234	233
10	Minnesota	202	214	223	222	233

\*This data represents campuses, not charters

\*\*This data represents campuses and charter schools

Sources: The National Alliance for Public Charter Schools (NAPCS), 2015, 2016, 2017, 2018, and 2020 and the Wisconsin Department of Public Instruction, 2020.

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 WCSP and administered by DPI. The department awarded over \$7 million to 11 charter schools in 2018-19 to plan, open, or expand charter schools in the state starting in the 2019-20 school year. Part of the federal grant supports the Wisconsin Resource Center for Charter Schools (WRCCS), which offers statewide technical assistance to support 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 <https://dpi.wi.gov/parental-education-options/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, depending on the school's contract, district authorized charter schools may not be exempt from local school board policies. 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 and school 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*

	2019-2020					
	All Charters in State	All Schools in State*	All Charters Excluding the City of Milwaukee	All Schools Excluding the City of Milwaukee*	All Charters in the City of Milwaukee	All Schools in the City of Milwaukee*
White, not Hispanic or Latino	46.6%	68.8%	73.8%	75.1%	7.2%	10.6%
Black or African American, not Hispanic or Latino	22.0%	9.0%	5.5%	4.5%	45.9%	50.4%
Hispanic or Latino	20.8%	12.6%	11.9%	10.9%	33.6%	28.3%
Asian	6.0%	4.1%	2.9%	3.8%	10.6%	3.8%
American Indian or Alaskan Native	0.5%	1.1%	0.8%	1.2%	0.2%	1.2%
Native Hawaiian or other Pacific Islander	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%
Two or more races	4.0%	4.4%	5.1%	4.5%	2.4%	3.2%

Source: The Wisconsin Department of Public Instruction, 2020

\*Includes Charter Schools

During the admission process, preference must be given to students living within the attendance area of an existing traditional public 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. The lottery 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 percent of the school's total enrollment. 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, 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. Initially, 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 included the Gateway Technical College District Board, the Waukesha County Executive, College of Menominee Nation, Lac Courte Oreilles Ojibwa Community College, and the OEO in the UW System. 2017 Wisconsin Act 59 added any UW Chancellor (in addition to the UW-Milwaukee and UW-Parkside Chancellors under current law) and any technical college district board (in addition to MATC and Gateway). 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 2019-2020 school year, there were a total of 25 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.	Office of Educational Opportunity	Isthmus Montessori Academy Public
9.	Office of Educational Opportunity	One City Senior Preschool
10.	UW–Milwaukee	Bruce Guadalupe Community School
11.	UW–Milwaukee	Capitol West Academy
12.	UW–Milwaukee	La Casa de Esperanza Charter School
13.	UW–Milwaukee	Milwaukee Scholars Charter School
14.	UW–Milwaukee	Pathways High School
15.	UW–Milwaukee	Penfield Montessori Academy
16.	UW–Milwaukee	Rocketship Southside Community Prep
17.	UW–Milwaukee	Rocketship Transformation Prep
18.	UW–Milwaukee	Seeds of Health, Inc.: Seeds of Health Elementary School
19.	UW–Milwaukee	Seeds of Health, Inc.: Tenor High School
20.	UW–Milwaukee	Seeds of Health, Inc.: Veritas High School

21.	UW—Milwaukee	Stellar Collegiate Charter School
22.	UW—Milwaukee	UCC Acosta Middle School
23.	UW—Milwaukee	Woodlands School— Bluemound Campus
24.	UW—Milwaukee	Woodlands School East—State Street Campus
25.	UW—Parkside	21 <sup>st</sup> Century Preparatory School

Source: The Wisconsin Department of Public Instruction, 2020

### *Instrumentality and Non-Instrumentality*

For district authorized charter schools, 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 2019-2020, of the 211 charter schools authorized by districts, there were 179 (85 percent) instrumentality and 32 (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 District Authorized Charter School**

In Wisconsin, there are two ways to create a district authorized 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 Wis. Stat. § 118.40 (7) (a) and (am), 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 Public Schools 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, other provisions required by state law, 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, 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 be established as 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*.

## **“School Board Concept Approval” and “School Board Approval Action on a Petition”**

School districts have two distinct stages of decision-making related to charter schools. The first stage is “School board concept approval” which includes the following: (1) further study of a new charter school; (2) considering participation in a charter consortium; or (3) study of a federal Charter Schools Program grant or subgrant for a new or replicated charter school. The “School board concept approval” occurs during the *development* stage. The second stage is a “School board approval action on a petition” which is defined as (1) an approved charter contract between the district and the operator of a charter school for a new charter school; (2) an approved written agreement to participate in a consortium; or (3) a signature on a federal Charter Schools Program grant or subgrant for a new or replicated charter school. The “School board approval action on a petition” occurs during the *implementation* stage. Both stages 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 2019-2020 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 2019-2020 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 authorizers.

An introductory email was sent to the superintendents of all 421 school districts (see Appendix B). The email requested that each district complete an electronic online survey that asked questions regarding charter school petitions and/or proposals during the 2019-2020 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, CESA, email address, and decisions regarding new charter schools during the 2019-2020 academic year. Questions 1 through 5 pertained to “school board concept approval” or first-level decisions made regarding new charter schools. Questions 6 through 10 related to “School board approval action on a petition” or 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, 370 (88 percent) indicated their title as being District Administrator, Superintendent, or Interim Superintendent. Twenty-five survey respondents (six percent) indicated their position as Assistant Superintendent, Assistant to the Superintendent, Administrative Assistant, or Executive Assistant.

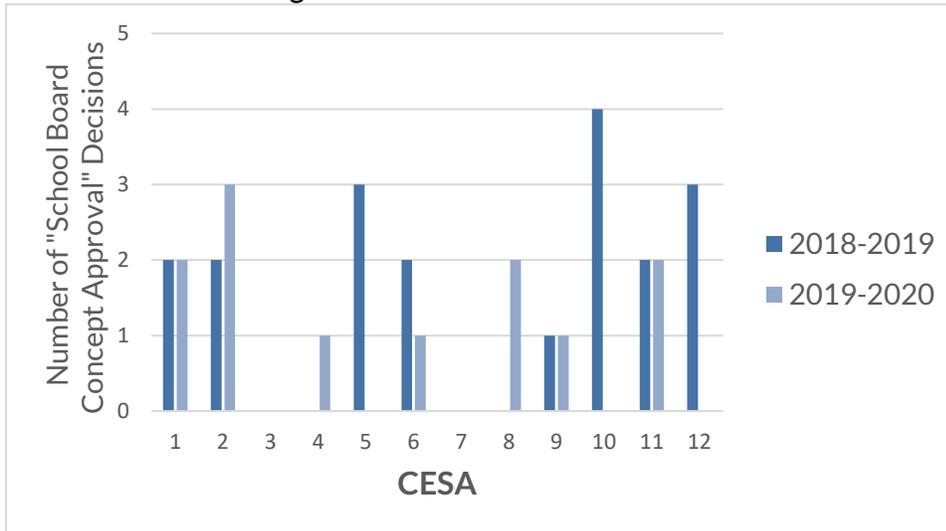
Twenty-six survey respondents (six percent) indicated their title as being a Charter School Executive Director, Principal, Curriculum Director, Director of Pupil Services, Director of Business Services, Director of Teaching and Learning, Director of Instruction, Director of Secondary Education and other director-level positions.

Figure 1 provides a breakdown by CESA, comparing the number of “school board concept approval” decisions made on proposed new charter schools during the 2018-2019 and the 2019-2020 school years. As shown, the number of “school board concept approval”

decisions made increased in CESA 2 and 8. There were no “school board concept approval” decisions made in CESA 3 or 7 during the 2018-19 or 2019-20 school years.

■ Figure 1

*Comparison by CESA – Number of “School Board Concept Approval” Decisions on Proposed New Charter Schools During the 2018-2019 and 2019-2020 School Years*

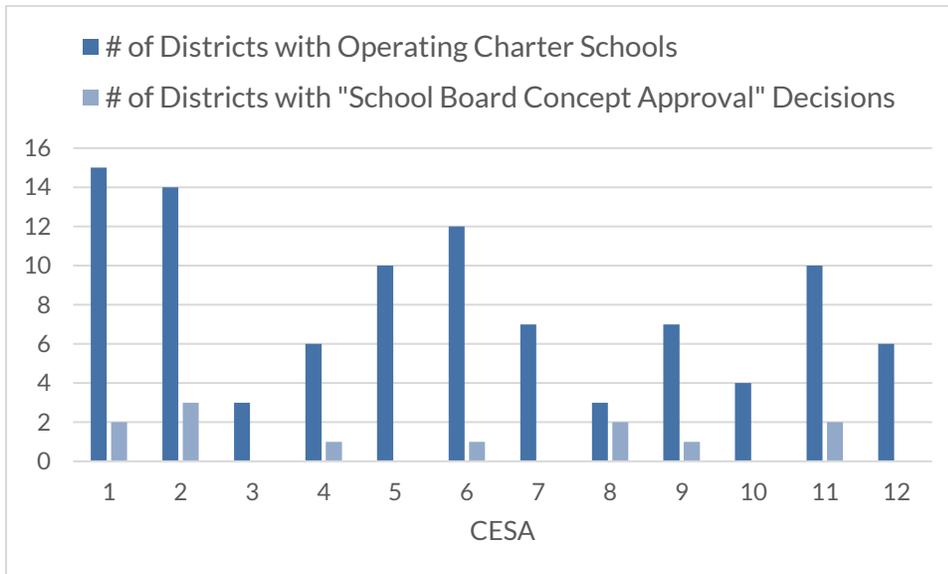


Source: The Wisconsin Department of Public Instruction, 2020

Figure 2 (next page) displays a comparison of the number of districts with operating charter schools to the number of districts with “school board concept approval” decisions for proposed new charter schools in the 2018-2019 school year. Of the 12 districts that made “school board concept approval” decisions, nine of them (75 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 “School Board Concept Approval” Decisions on New Charter Schools in 2018-2019*



Source: Wisconsin Department of Public Instruction, 2020

*“School Board Concept Approval” Decisions*

Between July 1, 2019 and June 30, 2020, 12 districts reported a total of 12 “school board concept approval” decisions. Districts approved 10 (83 percent) of the filed proposals for the reasons noted in Table 5.

■ Table 5

*Reasons for Approval of “School Board Concept Approval” Decisions*

Reason	Number (n=10)	Percentage
Attracts students	8	80%
Realizes an alternative vision for schooling	7	70%
Increases student achievement	5	50%
Serves a special population	5	50%
Increases parent/community involvement	4	40%
Participates in a charter school consortium	1	10%

Source: The Wisconsin Department of Public Instruction, 2020

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

As noted in the table, the reasons most given for approving new proposals by the respondents to our Wisconsin-wide survey was “attracts students” (80 percent) and “realizes an alternative vision for schooling” (70 percent). “Serves a special population” (50 percent), “Increases student achievement” (50 percent), and “Increases parent/community

involvement” (40 percent) were also frequently cited. Only one district (10 percent) noted “Participates in a charter school consortium” as a reason.

Two districts reported a denial of a “school board concept approval” decision. Reasons identified for the denial include financial reasons, “program not unique or innovative,” lack of teacher and/or parent support, and liability of district.

### *“School Board Approval Action on a Petition” Decisions*

After the “school board concept approval”, proposals must have a “school board approval action on a petition” before a charter school can be established. Between July 1, 2019 and June 30, 2020, eight Wisconsin school districts reported making eight “school board approval action on a petition” decisions. Seven (88 percent) “school board approval action on a petition” decisions were approved. Reasons for “school board approval action on a petition” decision approval of a proposal are noted in Table 6.

■ Table 6

*Reasons for Approval of “School Board Approval Action on a Petition”*

Reason	Number (n=7)	Percentage
Realizes an alternative vision for schooling	7	100%
Attracts students	7	100%
Increases parent/community involvement	5	71%
Increases student achievement	5	71%
Serves a special population	3	43%
Participates in a charter school consortium	0	0%

Source: The Wisconsin Department of Public Instruction, 2020

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

The reasons respondents provided for approving “school board approval action on a petition” decisions were generally consistent with the reasons provided for approving “school board concept approval” decisions. “Realizes an alternative vision for schooling” and “Attracts students” were cited by all of the respondents. “Increases parent/community involvement” (71 percent) and “Increases student achievement” (71 percent) were the other two most indicated reasons listed for approval of “school board approval action on a petition” decisions.

One district reported a denial of a “school board approval action on a petition” decision. The reason identified for the denial was liability of district.

## 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=15)	Percentage
District Superintendent	7	47%
School Administration	7	47%
Community (not-for-profit)	5	33%
Teachers	5	33%
Parents	3	20%
CESA	0	0%
Business (for-profit)	0	0%

Source: The Wisconsin Department of Public Instruction, 2020

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, communities, school administrators, parents, and teachers made up the majority of charter school planning groups during the 2019-2020 school year. CESAs and businesses played a smaller role.

■ Table 8

---

### Charter School Planning Group Members

Source	Number (n=15)	Percentage
School Administration	12	80%
Community (not-for-profit)	10	67%
Parents	10	67%
Teachers	9	60%
District Superintendent	8	53%
Business (for-profit)	1	7%
CESA	1	7%

Source: The Wisconsin Department of Public Instruction, 2020

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

## Comments from Survey

Only a few respondents offered additional comments regarding charter schools during the 2019-2020 academic year. Comments were made regarding the importance of charters because they offer choice and alternative options for students. Additional comments provided why their charter petitions were denied, including not being awarded CSP grant funds.

## 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. In 2018-19, the department received 21 grant applications to plan, open, or expand charter schools. The department awarded 11 grants totaling over \$7 million starting in the 2019-20 school year.

■ Table 9

### *DPI Action on Grant Applications Submitted March 2019*

	Grant Type	Authorizer Name	School Name	Funding Status	School Status as of 7/1/2018
1	Expansion	Milwaukee Public Schools	Academia de Lenguaje y Bellas Artes (ALBA)	Funded	Open
2	Expansion	Sheboygan Area School District	Etude Elementary School	Funded	Open
3	Expansion	Green Bay Area Public Schools	John Dewey Academy of Learning	Funded	Open
4	Expansion	Mauston School District	Mauston Montessori	Funded	Open
5	Expansion	UW–Milwaukee	Tenor High School	Funded	Open
6	Expansion	La Crosse School District	7 Rivers Design Institute	Not Funded	Open
7	Expansion	Ashland School District	Oredocker Project School	Not Funded	Open
8	Implementation	Milwaukee Public Schools	Green Tree Prep	Funded	Not Open
9	Implementation	Lakeland Union High School	Lakeland Star School Academy	Funded	Open
10	Implementation	Tomorrow River School District	Tomorrow River Virtual	Not Funded	Open
11	Implementation	Lake Geneva-Genoa City Union High School District	New Visions	Not Funded	Not Open
12	Implementation	Lake Geneva Joint #1	Maple Park	Not Funded	Not Open
13	Planning and Implementation	Mondovi School District	Anthony Acres	Funded	Not Open
14	Planning and Implementation	Ripon Area School District	Barlow Park	Funded	Not Open
15	Planning and Implementation	Office of Educational Opportunity	Milestone Democratic School	Funded	Not Open
16	Planning and Implementation	Rice Lake Area School District	RLASD ARISE	Funded	Not Open

17	Planning and Implementation	Mineral Point School District	Options in Education	Not Funded	Not Open
18	Planning and Implementation	Wonewoc Center School District	Wonewoc Center	Not Funded	Not Open
19	Planning and Implementation	Mercer School District	Mercer Career Academy	Not Funded	Not Open
20	Planning and Implementation	South Milwaukee School District	Rocket 4 Success	Not Funded	Not Open
21	Planning and Implementation	Milwaukee Public Schools	Starlight School of Humanity	Not Funded	Not Open

## Charter Consortiums

Fifty-five school districts participated in a multi-partner charter school initiative during the 2019-2020 school year. A list of the sponsor districts and consortium partners is shown in Table 10.

■ Table 10

*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
Gilman School District	Bruce School District Cadott Community School District Cornell School District Lake Holcombe School District New Auburn School District Stanley-Boyd Area
Lake Mills Area School District	Beloit Turner School District Burlington Area 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 Waterloo 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 Elcho School District Marshfield Unified School District Mosinee School District Owen-Withee School District Prentice School District Rib Lake School District Southern Door County School District Spencer School District Stratford School District Thorp School District Westby Area School District White Lake School District
Minocqua J1 School District	Lac Du Flambeau #1 School District North Lakeland School District Woodruff J1 School District
Viroqua Area School District	Kickapoo Area School District La Farge School District Westby Area School District

Source: The Wisconsin Department of Public Instruction, 2020

## 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 2019-2020 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 Schools Program supports high-quality charter schools.

## References

---

- Hill, P., Lake, R., Celio, M.B., Campbell, C., Herdman, P. & Bulkley, K. (2001). *A Study of Charter School Accountability: National Charter School Accountability Study*. (OERI Publication No. RC9711032). Washington, DC: U.S. Department of Education – Office of Educational Research and Improvement.
- National Alliance for Public Charter Schools. (2016). “A Closer Look at the Charter School Movement.” <https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/02/New-Closed-2016.pdf>
- National Alliance for Public Charter Schools. (2017). “Estimated Charter Public School Enrollment, 2016-2017.” [https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2017/01/EER\\_Report\\_V5.pdf](https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2017/01/EER_Report_V5.pdf)
- National Alliance for Public Charter Schools. (2015). “Estimated Number of Public Charter Schools & Students, 2014-2015.” [https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2015/02/open\\_closed\\_FINAL1.pdf](https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2015/02/open_closed_FINAL1.pdf)
- National Alliance for Public Charter Schools. (2018). “Estimated Public Charter School Enrollment, 2017-2018.” <https://www.publiccharters.org/sites/default/files/documents/2018-03/FINAL%20Estimated%20Public%20Charter%20School%20Enrollment%2C%202017-18.pdf>
- National Alliance for Public Charter Schools. (n.d.). “Charter School Data Dashboard.” Retrieved from <https://data.publiccharters.org/>
- U.S. Department of Education. (n.d.). “Funding and Legislation.” Retrieved from <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>



## 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.

The purpose of these benchmarks is to provide a resource for authorizers and charter school governance boards to ensure that charter contracts contain all necessary state and federal provisions and to identify additional provisions to consider during contract development.

Please use the benchmarks below to ensure the charter school contract meets the requirements of the law. The benchmarks have been organized as follows:

### MANDATORY BENCHMARKS

#### **A. Benchmarks Required for a DPI School Code.**

*(Charter school will not receive a DPI code without these benchmarks)*

1. Benchmarks required by state law for all charter schools (district-authorized and independent-authorized).
2. Benchmarks required by state law for district-authorized charter schools only.
3. Benchmarks required by state law for independent-authorized charter schools only.
  - For Benchmarks required by state law for 2x(cm) charter schools, contact the DPI.

#### **B. Benchmarks Required for Federal Charter Schools Program Funds.**

*(Charter school will not receive Federal Charter Schools Program Funds without these benchmarks)*

### ADDITIONAL BENCHMARKS

#### **C. Benchmarks for All Charter Schools from Principals and Standards Established by the National Association of Charter School Authorizers.**

#### **D. Benchmarks DPI Strongly Encourages for All Charter Schools.**

#### **E. Benchmarks for Virtual Charter Schools.**

Charter School Authorizer: \_\_\_\_\_

Charter School Name: \_\_\_\_\_

DPI Reviewer (DPI USE): \_\_\_\_\_

DPI Contract No. (DPI USE) \_\_\_\_\_

As you complete your contract, please indicate, in the appropriate column, the page number and corresponding section of the contract where each provision is located.

Submit this form along with your contract to the DPI.

<b>MANDATORY BENCHMARKS</b>		
<b>A. BENCHMARKS REQUIRED FOR A DPI SCHOOL CODE</b>		
<i>These are benchmarks that are required for any charter school to receive a DPI school code. Additional benchmarks are needed for charter schools seeking federal charter school program funds, see pg. 6.</i>		
<b>1. Benchmarks Required by State Law for all Charter Schools (District-authorized and Independent-authorized).</b>		
<b>BENCHMARK</b>	<b>LOCATION IN CONTRACT (SCHOOL USE)</b>	<b>PRESENT/ABSENT (DPI USE)</b>
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 and the manner in which administrative services will be provided. §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		

<p>The governance structure of the school, including method to be followed to ensure parental involvement. §118.40(1m)(b)6. <i>This provision should explain the basic structure of the governance board such as how the governance board is organized, how directors will be elected, and how parents will be involved (e.g., as members of the board or committee members)</i></p>		
<p>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</p>		
<p>Procedures the school will follow to ensure the health and safety of the pupils. §118.40(1m)(b)8</p>		
<p>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</p>		
<p>The requirements for admission to the school. §118.40(1m)(b)10</p>		
<p>The manner in which annual audits of the financial and programmatic operations of the school will be performed. §118.40(1m)(b)11</p>		
<p>The procedures by which students will be disciplined. §118.40(1m)(b)12</p>		
<p>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</p>		
<p>A description of the facilities and the types and limits of the liability insurance that the school will carry. §118.40(1m)(b)14</p>		
<p>Evidence that the contract is duly executed. §118.40(3)(a) <i>Typically dates and signatures of the authorizer and the governance board president of the charter school.</i></p>		
<p>The amount to be paid to the charter school each year of the contract. §118.40(3)(b)</p>		

<p>The term of the contract, not to exceed 5 years. §118.40(3)(b) <i>This must indicate the date the contract becomes effective and the date the contract terminates, a period which may not exceed five (5) years.</i></p>		
<p>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)</p>		
<p>Evidence that the charter governance board is a legally incorporated governing board independent of the authorizer. <i>This is evidence that the charter governance board is a nonstock corporation, for profit corporation, LLC, or partnership organized under the laws of the State of Wisconsin.</i></p>		
<p>If the charter school is authorized by two or more boards that have entered into an agreement under s. 66.0301, the names and locations of all school districts that are a party to the agreement. §118.40(3)(c)(1)(a)</p>		
<p>If the charter school is authorized by two or more boards that have entered into an agreement with the board of a cooperative educational service agency, the names and locations of all school districts that are a party to the agreement. §118.40(3)(c)(1)(b)</p>		
<p>If more than one charter school will be allowed under the charter contract, a statement authorizing the establishment of additional charter schools. §118.40(3)(f)1</p>		
<p>If more than one charter school will be allowed under the charter contract, the name, location and description of each charter school.</p>		
<p><b>2. Requirements under State Law for District-Authorized Charter Schools Only.</b> <i>This section does not apply to independent authorizers</i></p>		
<p><b>BENCHMARK</b></p>	<p><b>LOCATION IN CONTRACT</b></p>	<p><b>PRESENT/ABSENT (DPI USE)</b></p>

	(SCHOOL USE)	
The status of the school as a non-instrumentality or instrumentality of the school district. §118.40(7)(a)		
The effects of the establishment of the charter school on the liability of the school district §118.40(1m)(b)15		
<p><b>3. Benchmarks Required by State Law for Independent-Authorized Charter Schools Only.</b> <i>This includes all 2r and 2x schools but does not apply to district-authorized schools. These are benchmarks that are required for independent-authorized charter schools to receive a DPI school code.</i></p>		
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. and 118.40(2x)(b)2a		
The corrective measures the governing board will take if the school fails to meet performance standards. §118.40(2r)(b)2.b and 118.40(2x)(b)2b		
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. and 118.40(2x)(b)2d		
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. and 118.40(2x)(b)2e and i.		
A description of the administrative relationship between the parties. §118.40(2r)(b)2.f. and 118.40(2x)(b)2f.		

A statement that the governing board will hold parent-teacher conferences at least annually. §118.40(2r)(b)2.g. and 118.40(2x)(b)2g.		
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 and 118.40(2x)(b)2h.		
A statement that the governing board will participate in any training provided by the authorizer. §118.40(2r)(b)2.j. and 118.40(2x)(b)2j.		
A description of all fees that the authorizer will charge the governing board. §118.40(2r)(b)2.k and 118.40(2x)(b)2k.		
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. and 118.40(2x)(b)3b.	<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 and 118.40(2x)(b)2.		

**B. BENCHMARKS REQUIRED FOR FEDERAL CHARTER SCHOOLS PROGRAM FUNDS**

*These are benchmarks that are required for any charter school seeking Federal Charter Schools Program Funds. These are **IN ADDITION** to all other state law requirements.*

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)		
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)		

<b>ADDITIONAL BENCHMARKS</b>		
<b>A. BENCHMARKS FOR ALL CHARTER SCHOOLS FROM PRINCIPALS AND STANDARDS ESTABLISHED BY THE NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS (NACSA).</b>		
<p><i>All authorizers are required to consider 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 <a href="http://www.qualitycharters.org/for-authorizers/principles-and-standards/">http://www.qualitycharters.org/for-authorizers/principles-and-standards/</a> for the complete document containing all Principles and Standards.</i></p>		
<b>BENCHMARK</b>	<b>LOCATION IN CONTRACT (SCHOOL USE)</b>	<b>PRESENT/ABSENT (DPI USE)</b>
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		
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		
<b>B. <u>DPI STRONGLY ENCOURAGES THESE BENCHMARKS</u> FOR ALL CHARTER CONTRACTS</b>		
<b>BENCHMARK</b>	<b>LOCATION IN CONTRACT (SCHOOL USE)</b>	<b>PRESENT/ABSENT (DPI USE)</b>
<p>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)</p> <p><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></p>		
<p>Specify that, subject to the terms in the contract, the charter school governing board has all the powers necessary to carry out the terms of the contract, including:</p> <ul style="list-style-type: none"> <li>• Receiving and disbursing funds for school purposes;</li> <li>• Securing appropriate insurance;</li> <li>• Entering into contracts, including contracts with institutions of higher educations for technical or financial assistance, academic support, curriculum review, or other services.</li> <li>• Incurring debt in reasonable anticipation of the receipt of funds;</li> </ul>		

<ul style="list-style-type: none"> <li>• Pledging, assigning or encumbering its assets to be used as collateral for loans or extensions of credit;</li> <li>• Soliciting and accepting gifts or grants for school purposes;</li> <li>• Acquiring real property for its use;</li> <li>• Suing or be sued in its own name. §118.40(4)(d).</li> </ul>		
Specify that 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		
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.)		
If the charter school is limited to one sex, evidence that the district makes available to the opposite sex, schools or courses that are comparable to each charter school or course.		

A statement that the parties considered the principals and standards for quality charter schools established by the National Association of Charter School Authorizers.		
A statement that the charter school and authorizer will comply with all applicable state and federal laws.		
Definitions of the material terms of the contract, including: authorizer, charter school, notice, day, etc.		
A statement that the charter school will adhere to state and federal laws pertaining to record retention and disclosure of student records.		
A statement that the charter school governance board will adhere to Wisconsin Open Meetings Laws.		
A statement regarding the charter school’s adherence to the authorizer’s policies and a description of those from which the charter school is exempt.		
A statement explaining how the charter school will meet its obligations under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.		
Provisions addressing the authorizer’s right to inspect the charter school facilities and records with reasonable notice.		
A statement that the charter school will provide the authorizer all information necessary for the authorizer’s annual report to the state superintendent and legislature under 118.40(3m)(f).		
Inclusion of standard contract provisions related to: amendments, severability, assignment, and waiver.		

**C. ADDITIONAL CONSIDERATIONS FOR VIRTUAL CHARTER SCHOOLS**

<b>BENCHMARK</b>	<b>LOCATION IN CONTRACT (SCHOOL USE)</b>	<b>PRESENT/ABSENT (DPI USE)</b>
The virtual charter school must be under contract with a school board under Wis. Stats. §115.001 (16). §118.40 (8)		

<p>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)</p>		
<p>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)</p>		
<p>The teacher is responsible for each student taught:</p> <ul style="list-style-type: none"> <li>• Improving learning by planned instruction</li> <li>• Diagnosing learning needs</li> <li>• Prescribing content delivery through class activities</li> <li>• Assessing learning</li> <li>• Reporting outcomes to administrators and parents and guardians</li> <li>• Evaluating the effects of instruction</li> </ul>		
<p>The virtual charter school provides educational services to its pupils for at least 150 school days each year. §118.40 (8)(d)</p>		
<p>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)</p>		
<p>The virtual charter school must ensure that its teachers respond to inquiries from pupils and from parents/guardians of pupils by the end of the first school day following the day on which the inquiry is received. §118.40 (8)(d)</p>		
<p>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 council. §118.40 (8)(e)</p>		
<p>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</p>		

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)		
--	--	--



## District Information

Administrator: %[First Name]PDC\_PANEL\_NAME\_1% %[Last Name]PDC\_PANEL\_NAME\_2%  
Email Address: %[E-mail]PDC\_PANEL\_EMAIL\_1%  
District Name: %T1109728876.Q1\_1%  
LEA Code: %T1109728876.Q1\_2%  
CESA: %T1109728876.Q1\_3%

## Charter School Activity Data

Due Date: August 28, 2020

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, 2019, and June 30, 2020, indicate this below.

If your district **DID** make decisions regarding new charter schools between July 1, 2019, and June 30, 2020, 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.

"School board concept approval" includes the following: (1) further study of a new charter school, (2) considering participation in a charter consortium or (3) study of a federal Charter Schools Program grant or subgrant for a new or replicated charter school.

"School board approval action on a petition" is defined as (1) an approved charter contract between the district and the operator of a charter school for a new charter school, (2) an approved written agreement to participate in a consortium or (3) a signature on a federal Charter Schools Program grant or subgrant for a new or replicated charter school.

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 **August 28, 2020**. If you have questions while completing the survey or encounter difficulty when transmitting the survey, contact [charterschools@dpi.wi.gov](mailto:charterschools@dpi.wi.gov).

Contact information for person completing the survey

Name *First and Last*   
Title   
CESA   
Email Address

Did your district make **ANY** decisions regarding new charter schools between July 1, 2019, and June 30, 2020?\*

- Yes  
 No



## District Decisions

1. From July 1, 2019, to June 30, 2020, how many "school board concept approval" decisions were made by the district? 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 and implementation or planning and replication grant.

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

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

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

6. From July 1, 2019, to June 30, 2020, how many second-level decisions were made by the district? A second-level decision is defined as an approved charter contract between the district and the operator of a charter school for a new charter school, a written agreement to participate in a consortium or a signature on a charter school implementation or replication 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

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.

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.

[Previous Page](#)

[Submit Survey](#)

Page 3 of 3