

Statutory Report Series Legislative Report on Charter Schools 2021-2022

May 1, 2023

Wisconsin Department of Public Instruction

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Developed by
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Parental Education Options



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Executive Summary

The Wisconsin Department of Public Instruction (DPI) is required to submit this report to the Legislature 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 (see Wis. Stat. §115.28 (49)). This report offers the results of the charter school activity survey in the 421 Wisconsin school districts during the 2021-2022 school year. Independent authorizer charter school activity is not included in the survey.

This report documents two distinct stages of decision-making regarding new charter school proposals. The first is a “development” 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. The second is an “implementation” 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. 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 Wisconsin school districts responded to the survey.

During the 2021-2022 school year, 21 districts (five percent) reported charter school activity as defined above, including at least one district in 10 of the 12 regional Cooperative Educational Services Agencies (CESA). A breakdown of the activity shows 13 school boards made 16 “development” charter school decisions, and 16 school boards made 18 “implementation” charter school decisions. Of the “development” decisions, 14 of 16 (88 percent) were approved. Of the “implementation” decisions, 17 of 18 (94 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. During the 2020-21¹ school year, there were more than 7,800 charter schools in operation across the country serving over 3.6 million students. (National Alliance for Public Charter Schools, 2022).

Stimulated by a boost of federal funding for charter schools, the number of charter schools over the last two decades has increased.

¹ Data currently available from the National Alliance for Public Charter Schools (NAPCS) is from the 2020-21 school year. NAPCS does not expect to have the 2021-22 charter school data available until December 2023.

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.

A number of changes regarding authorizers were made to Wisconsin's charter school law by 2015 Wisconsin Act 55. Under Act 55, five new entities were allowed to authorize independent charter schools (ICS): (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 under 2017 Wisconsin Act 59, which allowed any UW chancellor or any technical college district board to contract with a person to operate an ICS.

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 ICS established in Milwaukee County or in an adjacent county. 2015 Wisconsin Act 55 removed many of the residency and location restrictions on ICS, except for Gateway Technical College District Board, Waukesha County Executive, and OEO, which continued to have residency and location restrictions. 2017 Wisconsin Act 59 then removed previous residency and location restrictions for Gateway Technical College District Board and OEO. The only remaining geographic restriction is that schools authorized by the Waukesha County Executive must be located in Waukesha County.

Changes were also made to authorizer requirements as part of 2015 Wisconsin Act 55. These changes included requiring all authorizers to adhere to the standards and principles established by the National Association of Charter School Authorizers (NACSA), strengthening the power of the charter school governance board by providing a list of specific board-related responsibilities and requiring all charter school authorizers to report annually to the legislature and to the state superintendent on the performance of each of its charter schools.

New provisions under 2015 Wisconsin Act 55 further 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 allowed operators of ICS to claim state aid for providing transportation to students.

2017 Wisconsin Act 59 allowed ICS 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.

2021 Wisconsin Act 58 changed the funding source for legacy ICS. Legacy ICS are schools chartered by authorizers who had the authority prior to 2015 Act 55 (UW–Milwaukee, the City of Milwaukee, UW–Parkside, and the Milwaukee Area Technical College). Previously, legacy ICS funding was generated from a proportional reduction in state general aid from all school districts in Wisconsin. The act eliminated the proportional state aid reduction beginning in the 2021-22 school year and replaced it with direct GPR funding.

Number of Charter Schools in Wisconsin

Table 1 shows the number of Wisconsin charter schools from fall of 1994 to fall of 2021.

■ Table 1

Number 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%
2020-2021	229	-3%
2021-2022	236	3%

Source: The Wisconsin Department of Public Instruction, 2022

During the 2021-22 school year, 236 charter schools were in operation in Wisconsin, an increase of three percent from the previous school year. There were 95 Wisconsin school boards that authorized 204 charter schools, and five non-school board (independent) authorizers that authorized 32 charter schools. While seven charter schools closed at the end of the 2020-21 school year, 14 new charter schools opened at the beginning of the 2021-22 school year. By the end of the 2021-22 school year, nine charter schools closed for a variety of reasons, including

low student enrollment, teacher retention, and conversion to a program. Wisconsin ranks among the top 10 states in the U.S. with the most charter schools in operation (see Table 2). Over 49,000 Wisconsin students (six percent of all Wisconsin K-12 students) attended a charter school during the 2021-22 school year.

■ Table 2

States with the Most Charter Schools

2020-21 Rank	State	Total Number of Charter Schools				
		2016-17	2017-18	2018-19	2019-20	2020-21
1	California	1,253	1,275	1,350	1,336	1,334
2	Texas	761*	774*	834**	927**	893**
3	Florida	656	661	654	676	690
4	Arizona	547	556	556	555	559
5	Michigan	301	301	370	367	368
6	New York	267	281	302	326	341
7	Ohio	362	345	322	317	318
8	Colorado	238	250	261	266	272
9	Minnesota	223	222	233	243	257
10	Wisconsin	237	234	233	236	229

*This data represents campuses, not charters

**This data represents campuses and charter schools

Sources: The National Alliance for Public Charter Schools (NAPCS), 2017, 2018, 2020, 2021 and 2022 and the Wisconsin Department of Public Instruction, 2022.

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 Schools Program (WCSP) and administered by DPI. The department awarded over \$13.5 million to 19 charter schools in 2020-21 to plan, open, or expand charter schools in the state in the 2021-22 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 an agreement between the operator of the charter school and the local authorizer, usually the school board. The department is not an authorizer and does not approve new charter schools to open.

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](#). 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 (see Wis. Stat. § 118.40 (7)b). 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.

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.

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 a district-authorized charter school may apply to do so under the Wisconsin Public School Open Enrollment Program, though placement is not guaranteed. ICS may enroll students from anywhere in Wisconsin. 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 [Nonregulatory Guidance of the Public Charter Schools Program](#) of the U.S. Department of Education.

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 2021-22, of the 204 charter schools authorized by districts, there were 177 (87 percent) instrumentality and 27 (13 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.

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, a reference to the section of charter school law within Wis. Stat. § 118.40 that grants these entities authority to authorize charter schools.

During the 2021-22 school year, there were a total of 32 ICS in operation in Wisconsin. Table 3 shows a list of these schools and their authorizers.

■ Table 3

Wisconsin's Independent Charter Schools

Authorizer	School
City of Milwaukee	Central City Cyber School
City of Milwaukee	Darrell Lynn Hines Academy
City of Milwaukee	Downtown Montessori Academy
City of Milwaukee	Dr. Howard Fuller Collegiate Academy
City of Milwaukee	Escuela Verde
City of Milwaukee	Milwaukee Academy of Science
City of Milwaukee	Milwaukee Math and Science Academy
Lac Courte Oreilles Ojibwe University	Akii-gikinoo'amaading
Lac Courte Oreilles Ojibwe University	Lake Country Classical Academy
Office of Educational Opportunity	Adeline Montessori School
Office of Educational Opportunity	Isthmus Montessori Academy Public
Office of Educational Opportunity	Milestone Democratic School
Office of Educational Opportunity	New Leaf Prep Academy
Office of Educational Opportunity	One City Expeditionary Elementary School
Office of Educational Opportunity	The Lincoln Academy
Office of Educational Opportunity	UpGrade Media Arts School
UW–Milwaukee	Bruce Guadalupe Community School
UW–Milwaukee	Carmen Middle School South
UW–Milwaukee	La Casa de Esperanza Charter School
UW–Milwaukee	Milwaukee Scholars Charter School
UW–Milwaukee	Pathways High School
UW–Milwaukee	Penfield Montessori Academy
UW–Milwaukee	Rocketship Southside Community Prep
UW–Milwaukee	Rocketship Transformation Prep
UW–Milwaukee	Seeds of Health, Inc.: Seeds of Health Elementary School
UW–Milwaukee	Seeds of Health, Inc.: Tenor High School
UW–Milwaukee	Seeds of Health, Inc.: Veritas High School
UW–Milwaukee	Stellar Collegiate Charter School
UW–Milwaukee	UCC Acosta Middle School
UW–Milwaukee	Woodlands School–Bluemound Campus
UW–Milwaukee	Woodlands School East–State Street Campus
UW–Parkside	21st Century Preparatory School

Source: The Wisconsin Department of Public Instruction, 2022

Virtual Charter Schools

In Wisconsin, a virtual charter school (VCS) is a specific form of online learning. It is the only form of online learning which allows an open enrolled student to participate fully remote, that is, without having to regularly physically attend a school located in the nonresident school district.

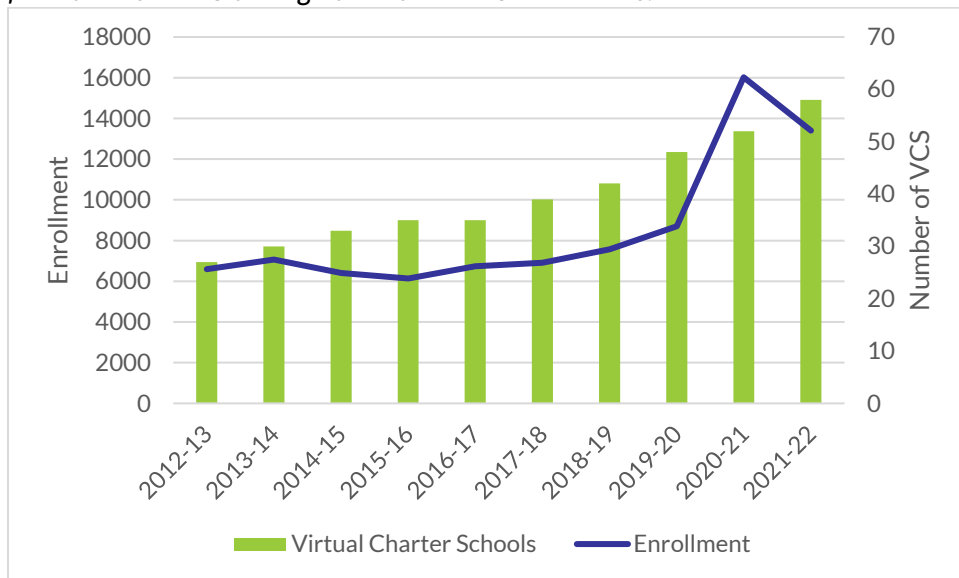
A VCS is defined in Wis. Stats. § 115.001 (16) as “a charter school under contract with a school board . . . in which all or a portion of the instruction is provided through means of the Internet, and the students enrolled in and instructional staff employed by the school are geographically remote from each other.” Since a VCS must be in contract with a school board, all VCS are authorized by a school district and cannot be authorized by an independent authorizer.

VCS are publicly funded, nonsectarian schools that are exempt from many regulations that apply to traditional public schools that offer some of their classes online. In addition, state statutes contain specific requirements that must be met by VCS (see Wis. Stats. § 118.40 (8)). Students typically attend from their homes and communicate with teachers by e-mail, telephone, and online discussions. While most VCS in Wisconsin are exclusively virtual, it is important to note that some VCS operate under a blended learning model and require some physical attendance.

Over the last ten years, the number of VCS in Wisconsin has been steadily increasing. During the 2021-22 school year, there were 58 VCS in operation in Wisconsin. VCS experienced a significant increase in enrollment in the 2020-21 school year, which can be at least partially attributed to the COVID-19 global pandemic. Enrollment numbers in the 2021-22 school year were still above pre-COVID-19 enrollment numbers. Figure 1 shows the number of operating VCS increased by 115 percent from the 2012-13 to 2021-22 school year. Additionally, enrollment has increased by 103 percent during that time.

■ Figure 1

Virtual Charter Schools – Total Number of Virtual Charter Schools and Total Enrollment from the 2012-13 through the 2021-22 School Years.



Source: The Wisconsin Department of Public Instruction, 2022

Charter School Enrollment

In the 2021-22 school year, 49,678 students enrolled in charter schools across Wisconsin. As shown in Table 4, charter schools served a higher percentage of racial and ethnic minority groups than all public schools in the state. However, when analyzing the enrollment for schools outside the City of Milwaukee, charter schools served all racial and ethnicity subgroups at a similar rate as all schools outside of the City of Milwaukee. Charters within the City of Milwaukee served racial and ethnic minority groups at a slightly higher rate compared to all public schools within the city. Table 5 shows that there are varying rates in which the different type of charter schools serves racial and ethnic minority groups. For example, independent charter schools serve minority groups at a higher rate compared to virtual charter schools.

■ Table 4

Wisconsin's Public School Population by Race/Ethnicity

	2021-22					
	All Charters in State	All Schools in State*	All Charters Excluding City of Milwaukee	All Schools Excluding City of Milwaukee*	All Charters in City of Milwaukee	All Schools in City of Milwaukee*
White, not Hispanic or Latino	47.5%	69.2%	71.4%	74.0%	5.6%	11.3%
Black or African American, not Hispanic or Latino	20.0%	8.0%	6.1%	4.5%	44.6%	50.8%
Hispanic or Latino	21.2%	12.6%	12.6%	11.4%	36.2%	27.1%
Asian	5.9%	4.0%	3.3%	3.8%	10.5%	6.3%
American Indian or Alaskan Native	0.6%	1.1%	0.8%	1.1%	0.2%	0.5%
Native Hawaiian or other Pacific Islander	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%
Two or more races	4.7%	4.9%	5.8%	5.0%	2.8%	4.0%

Source: The Wisconsin Department of Public Instruction, 2022

*Excludes Charter Schools

■ Table 5

Wisconsin's Charter School Population by Race/Ethnicity

	2021-22		
	District Authorized Charter Schools	Independent Charter Schools	Virtual Charter Schools
White, not Hispanic or Latino	56.6%	14.2%	74.0%
Black or African American, not Hispanic or Latino	14.2%	41.6%	6.3%
Hispanic or Latino	16.3%	39.1%	9.8%
Asian	7.3%	1.2%	3.1%
American Indian or Alaskan Native	0.6%	0.3%	1.0%
Native Hawaiian or other Pacific Islander	0.1%	0.1%	0.1%
Two or more races	5.0%	3.7%	5.7%

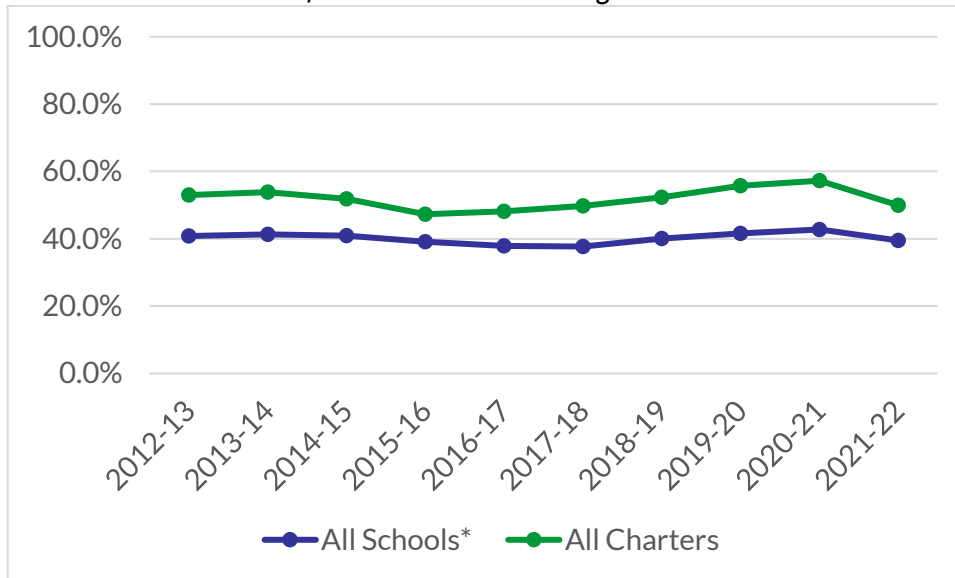
Source: The Wisconsin Department of Public Instruction, 2022

As shown in Figure 2, since the 2012-13 school year, charter schools have, overall, served a higher percentage of students who are economically disadvantaged compared to all public schools. However, when comparing this historical trend within the City of Milwaukee, Figure 3, charter schools served either approximately the same or a smaller percentage of students who are economically disadvantaged. In the 2021-22 school year, charter schools in the City of Milwaukee served a higher proportion of students (69.1 percent) who are economically disadvantaged compared to the state overall (39.5 percent). Figure 4 shows that ICS (of which 21 of the 32 are located in the City of Milwaukee) also served a higher proportion of students who are economically disadvantaged when

compared to both the state overall and to district authorized charters including VCS. VCS had served economically disadvantaged students at a smaller rate compared to other schools, however this gap has been closing the last few school years. In 2021-22 VCS served students who are economically disadvantaged at a slightly higher rate (42.7 percent) compared to the state overall (39.5 percent).

■ Figure 2

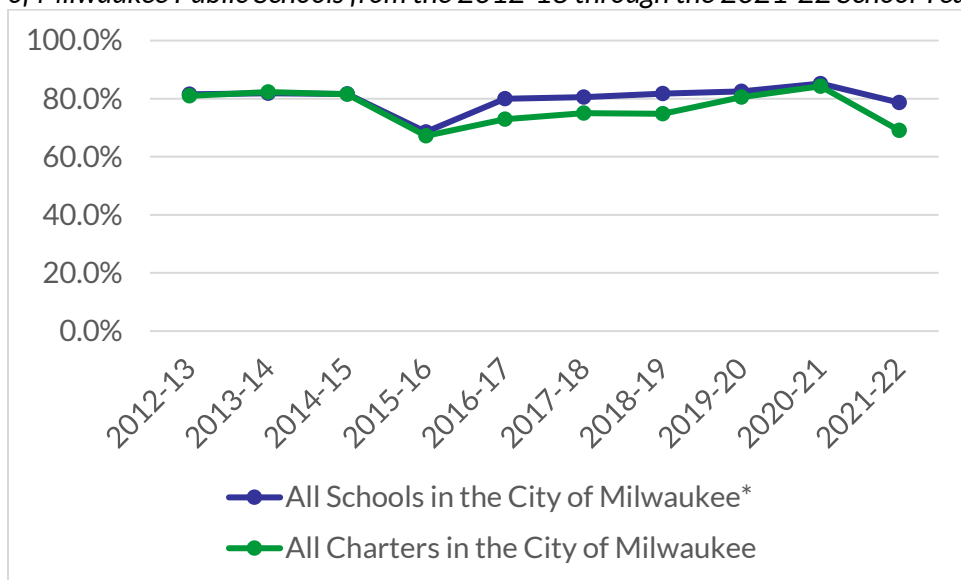
Comparison of Enrollment - Percent of Students Economically Disadvantaged in Wisconsin Public Schools from the 2012-13 through the 2021-22 School Years



Source: The Wisconsin Department of Public Instruction, 2022
 *Excludes Charter Schools

■ Figure 3

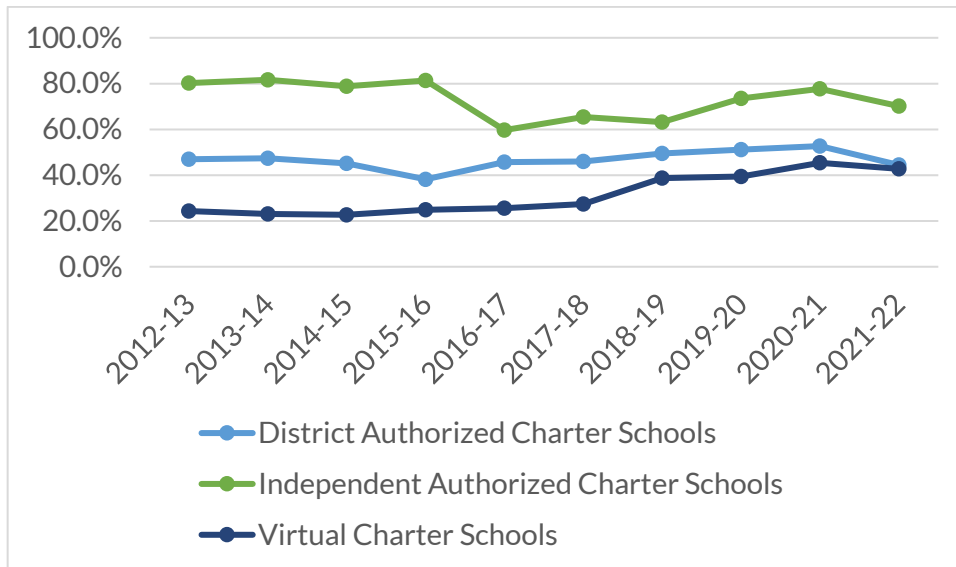
Comparison of Enrollment - Percent of Students Economically Disadvantaged in the City of Milwaukee Public Schools from the 2012-13 through the 2021-22 School Years



Source: The Wisconsin Department of Public Instruction, 2022
 *Excludes Charter Schools

■ Figure 4

Comparison of Enrollment - Percent of Students Economically Disadvantaged in Wisconsin Public Charter Schools from the 2012-13 through the 2021-22 School Years

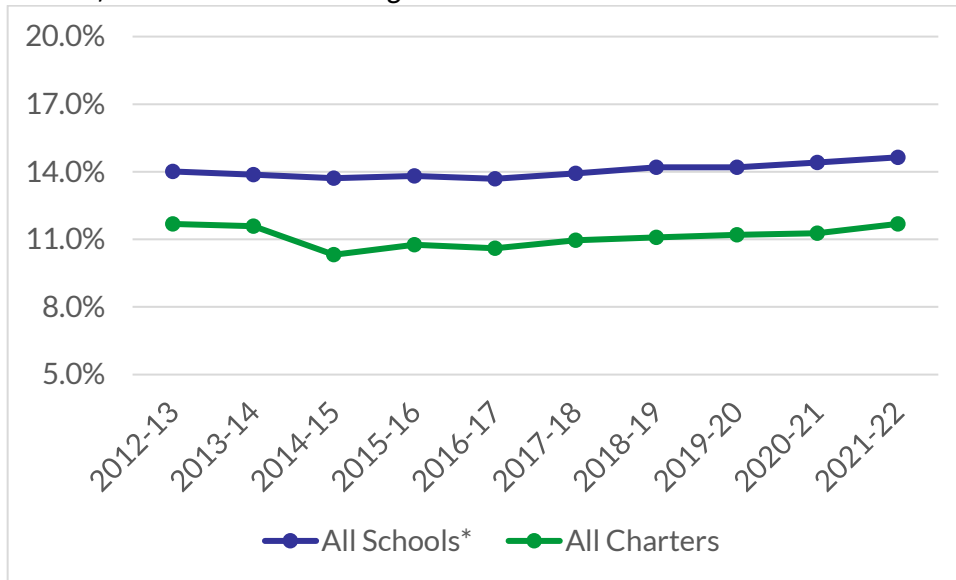


Source: The Wisconsin Department of Public Instruction, 2022

As shown in Figure 5 over the last ten school years, charter schools have served students with disabilities at a lower proportion compared to all public schools in the state. This is particularly true in the City of Milwaukee, Figure 6, where charter schools are serving students with disabilities 9.3 percent less than all public schools in the city for the 2021-22 school year. As shown in Figure 7, out of the three subcategories of charter schools, VCS are serving students with disabilities at the highest rate (12.5) as of the 2021-22 school year. Ten years ago, VCS and ICS were serving students with disabilities at a lower rate compared to district authorized charter schools. Over the ten-year span, VCS have increased this rate slightly while district authorized charter schools and ICS's rates have remained more consistent. Please note Figures 5, 6, and 7 are scaled to see noticeable differences.

■ Figure 5

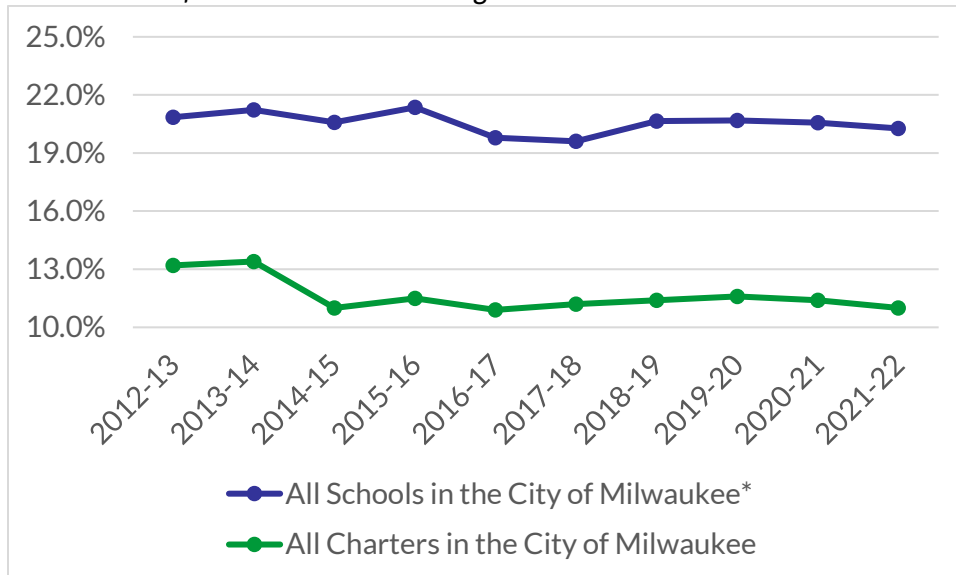
Comparison of Enrollment – Percent of Students with a Disability in Wisconsin Public Schools from the 2012-13 through the 2021-22 School Years



Source: The Wisconsin Department of Public Instruction, 2022
 *Excludes Charter Schools

■ Figure 6

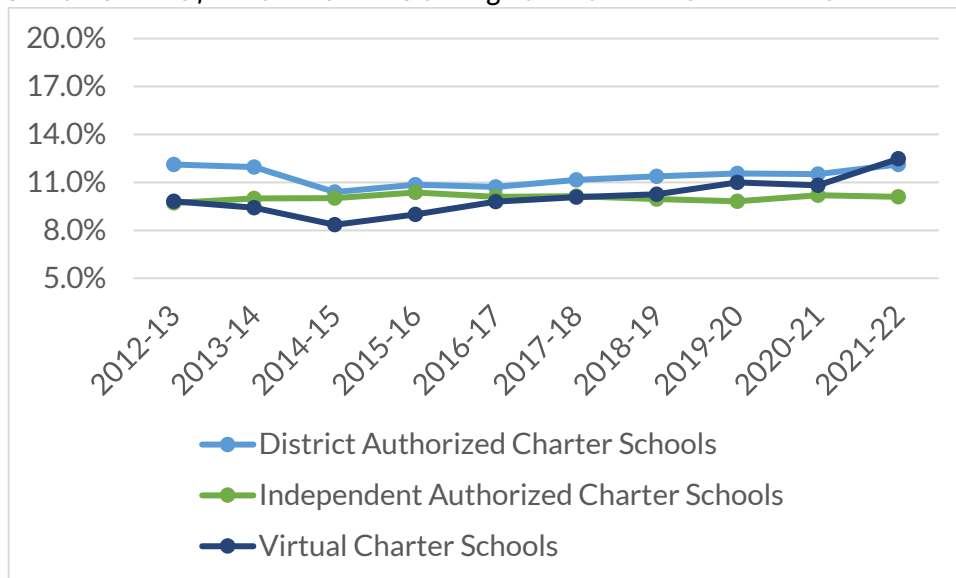
Comparison of Enrollment – Percent of Students with a Disability in the City of Milwaukee Public Schools from the 2012-13 through the 2021-22 School Years



Source: The Wisconsin Department of Public Instruction, 2022
 *Excludes Charter Schools

■ Figure 7

Comparison of Enrollment – Percent of Students with a Disability in Wisconsin Public Charter Schools from the 2012-13 through the 2021-22 School Years



Source: The Wisconsin Department of Public Instruction, 2022

Overall, charter schools appear to be fulfilling their statutory contract obligation to achieve a racial and ethnic balance that reflects the balance in the school district as a whole. Additionally, charter schools appear to be serving students who are economically disadvantaged at a higher rate compared to all Wisconsin public schools. A potential enrollment area for charter schools to focus on is the rate at which charters are serving students with disabilities. Additional research would be needed to understand the enrollment differences between charter schools and other public schools.

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.

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 only Milwaukee Public Schools, 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.

“Development” and “Implementation”

School districts have two distinct stages of decision-making related to charter schools. The first stage is the development stage 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 second stage is the implementation stage 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. 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 2021-22 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 2021-22 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 (see Appendix A) was sent to the superintendent of all 421 school districts. The email requested that each district complete an electronic online survey that asked questions regarding charter school petitions and/or proposals during the 2021-22 school year. By sending reminders and contacting districts directly, 100 percent of school districts responded.

The electronic online survey had 13 questions (see Appendix B). The person completing the survey was asked to identify their name, title, email address, and decisions regarding new charter schools during the 2021-22 academic year. Questions 1 through 3 pertained to development or first-level decisions made regarding new charter schools. Questions 4 through 6 related to implementation or second-level decisions made regarding new charter schools. Questions 7 through 8 dealt with concepts and proposals of the new charter schools. The final question allowed for open comments, giving districts an opportunity to comment generally about charter schools.

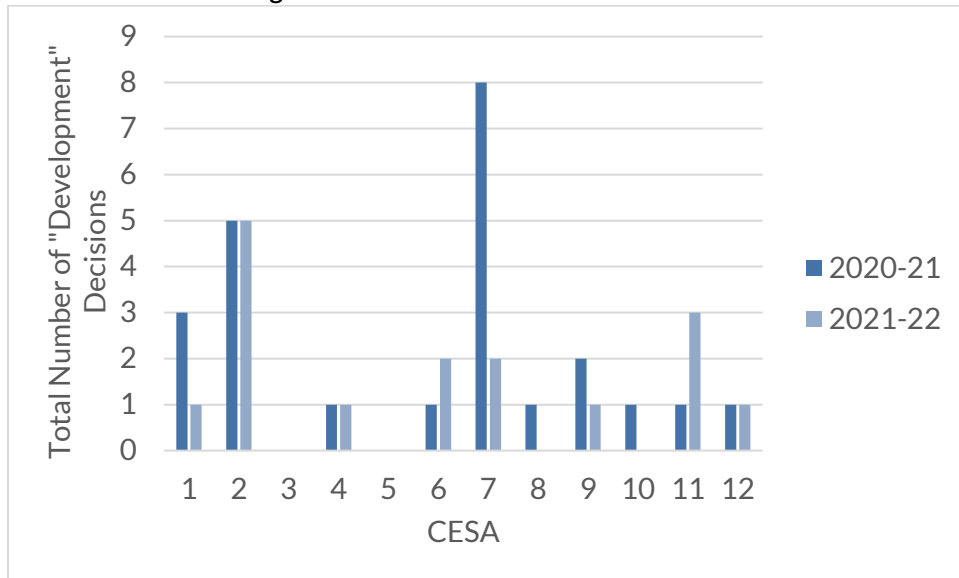
General Information

Most of the survey respondents were high-level administrators. Specifically, 383 (91 percent) indicated their title as being District Administrator. 29 survey respondents (seven percent) selected “Other” for position title without providing their specific title. The remaining seven survey respondents (two percent) indicated their position as Assistant District Administrator or Principal.

Figure 8 provides a breakdown by CESA, comparing the number of “development” decisions made on proposed new charter schools during the 2020-21 and the 2021-22 school years. As shown, the number of “development” decisions made increased in CESA 6 and 11. There were no “development” decisions made in CESA 3 or 5 during the 2020-21 or 2021-22 school years.

■ Figure 8

Comparison by CESA - Total Number of "Development" Decisions on Proposed New Charter Schools During the 2020-21 and 2021-22 School Years

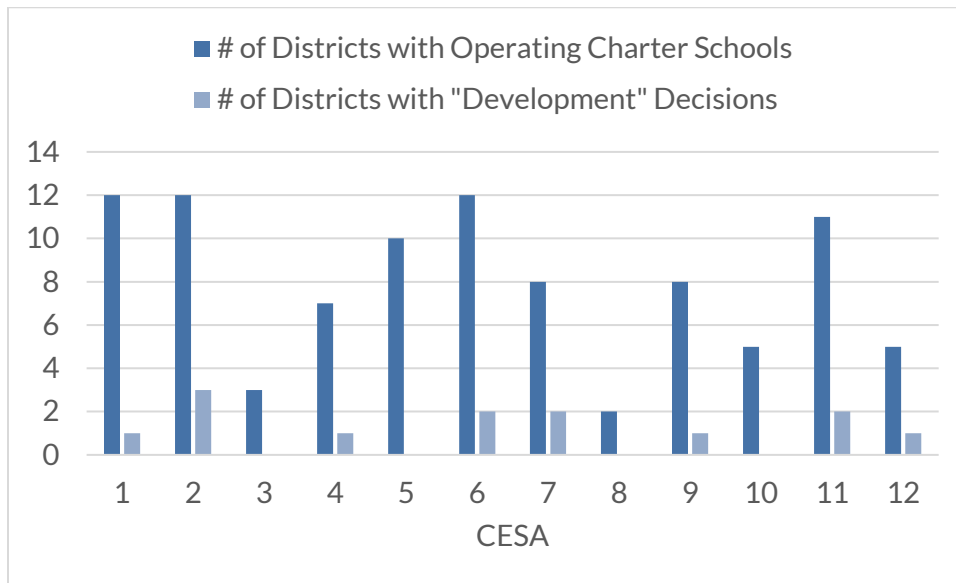


Source: The Wisconsin Department of Public Instruction, 2022

Figure 9 (next page) displays a comparison of the number of districts with operating charter schools to the number of districts with "development" decisions for proposed new charter schools in the 2021-22 school year. Of the 13 districts that made "development" decisions, seven of them (54 percent) were not operating a charter school at the time of the decision.

■ Figure 9

Comparison by CESA – Number of Districts with Operating Charter Schools Compared to Those with “Development” Decisions on New Charter Schools in 2021-22



Source: Wisconsin Department of Public Instruction, 2022

“Development” Decisions

Between July 1, 2021, and June 30, 2022, 13 districts reported a total of 16 “development” decisions. Thirteen districts approved 14 (88 percent) of the filed proposals for the reasons noted in Table 6.

■ Table 6

Reasons for Approval of “Development” Decisions

Reason	Number (n=13)	Percentage
Attracts students	11	85%
Realizes an alternative vision for schooling	11	85%
Serves a special population	7	54%
Increases parent/community involvement	6	46%
Increases student achievement	6	46%
Participates in a charter school consortium	1	8%

Source: The Wisconsin Department of Public Instruction, 2022

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” (85 percent) and “realizes an alternative vision for schooling” (85 percent). “Serves a special population” (54 percent) “increases student achievement” (46 percent), and “increases parent/community involvement” (46 percent) were also frequently cited. One district (eight percent) noted “participates in a charter school consortium” as a reason.

One district reported a denial of a “development” decision. The reason identified for the denial was “financial reasons.”

“Implementation” Decisions

After the “development,” proposals must have an “implementation” decision before a charter school can be established. Between July 1, 2021, and June 30, 2022, 16 Wisconsin school districts reported making 18 “implementation” decisions. Fifteen districts approved 17 (94 percent) “implementation” decisions. Reasons for “implementation” decision approvals are noted in Table 7.

■ Table 7

Reasons for Approval of “Implementation” Decisions

Reason	Number (n=15)	Percentage
Realizes an alternative vision for schooling	13	87%
Attracts students	10	67%
Increases student achievement	7	47%
Serves a special population	7	47%
Increases parent/community involvement	5	33%
Participates in a charter school consortium	1	7%

Source: The Wisconsin Department of Public Instruction, 2022

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

The reasons respondents provided for approving “implementation” decisions were generally consistent with the reasons provided for approving “development” decisions. “Realizes an alternative vision for schooling” (87 percent) and “Attracts students” (67 percent) were the two most indicated reasons listed for approval of “implementation” decisions.

One district reported denial of an “implementation” decision. The reasons identified for the denial by the district were “financial reasons” and “program not unique or innovative.”

Source of Petitions and Proposals

Twenty-one districts indicated receiving a charter school proposal in the 2021-22 school year. The majority of charter school proposals came directly from district superintendents and school administrators. Table 8 shows the distribution of charter school proposal initiators.

■ Table 8

Source of Charter School Petitions and Proposals

Source	Number (n=21)	Percentage
District Superintendent	12	57%
School Administration	12	57%
Teachers	5	24%
Parents	4	19%
Community (not-for-profit)	2	10%
Business (for-profit)	0	0%
CESA	0	0%

Source: The Wisconsin Department of Public Instruction, 2022

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

Planning Group Participants

Survey results indicate that teachers, parents, district superintendents, school administrators, and community (not-for-profit) made up the majority of charter school planning groups during the 2021-22 school year. CESAs played a smaller role.

■ Table 9

Charter School Planning Group Members

Source	Number (n=21)	Percentage
Teachers	18	86%
Parents	16	76%
District Superintendent	15	71%
School Administration	15	71%
Community (not-for-profit)	13	62%
Business (for-profit)	5	24%
CESA	1	5%

Source: The Wisconsin Department of Public Instruction, 2022

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

Comments from Survey

Only a few respondents offered additional comments regarding charter schools during the 2021-22 academic year. Comments provided noted the importance of additional opportunities for students and support from the state when developing the charter school. Additional comments were made regarding disappointment on not receiving a WCSP subgrant and concerns regarding how charter schools are funded.

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 April 2021, the department was notified by USDE of an award reduction of \$9.7 million dollars to reflect updated subgrant projections. In 2020-21, the department received 27 grant applications to plan, open, or expand charter schools. The department awarded 19 grants totaling over \$13.5 million starting in the 2021-22 school year.

■ Table 10

DPI Action on Grant Applications Submitted March 2021

Grant Type	Authorizer Name	School Name	Funding Status	School Status as of 7/1/2020
Expansion	City of Milwaukee	Milwaukee Academy of Science	Funded	Open
Expansion	Milwaukee Public Schools	Milwaukee Excellence Charter School	Funded	Open
Expansion	Sparta School District	Innovations STEM Academy	Not Funded	Open
Expansion	Stevens Point Area Public School District	Point of Discovery	Not Funded	Open
Implementation	Algoma School District	Algoma Venture Academy	Funded	Not Open
Implementation	Kiel Area School District	Between the Lakes Virtual Academy	Funded	Open
Implementation	Lac Courte Oreilles Ojibwe College	Lake Country Classical	Funded	Not Open
Implementation	Office of Educational Opportunity	New Leaf Prep Academy	Funded	Not Open
Implementation	Office of Educational Opportunity	UpGrade Media Arts	Funded	Not Open
Implementation	Office of Educational Opportunity	The Lincoln Academy	Funded	Not Open
Implementation	West Allis-West Milwaukee School District	WAWM Deeper Learning Virtual Academy	Funded	Not Open
Implementation	La Crosse School District	Coulee Region Virtual Academy	Not Funded	Open
Implementation	Office of Educational Opportunity	Adeline Montessori School	Not Funded	Not Open

Planning with Implementation	Germantown School District	Germantown Virtual School	Funded	Not Open
Planning with Implementation	Mauston School District	Lemonweir Academy	Funded	Not Open
Planning with Implementation	Menomonee Indian School District	Kaehkēnawapahtāēq Charter School	Funded	Not Open
Planning with Implementation	Office of Educational Opportunity	Central Sands Community High School	Funded	Not Open
Planning with Implementation	Office of Educational Opportunity	Kenosha High School of Technology Enhanced Curriculum (KTEC High)	Funded	Not Open
Planning with Implementation	Office of Educational Opportunity	One City Preparatory Academy	Funded	Not Open
Planning with Implementation	Parkview School District	Parkview Academy of Virtual Education (PAVE)	Funded	Not Open
Planning with Implementation	Sharon Joint School District	Virtual Academy of Agriscience and Technology (VAAST)	Funded	Not Open
Planning with Implementation	Solon Springs School District	Eagles' Academy	Funded	Not Open
Planning with Implementation	Weyauwega-Fremont School District	Fremont STEM Academy	Funded	Not Open
Planning with Implementation	Altoona School District	Altoona Virtual Academy	Not Funded	Not Open
Planning with Implementation	Office of Educational Opportunity	Ignite Academy	Not Funded	Not Open
Planning with Implementation	Office of Educational Opportunity	Sankofa Community Academy	Not Funded	Not Open
Planning with Implementation	Sheboygan Area School District	Sheboygan Prep	Not Funded	Not Open

Source: The Wisconsin Department of Public Instruction, 2022

Charter Consortiums

During the 2021-22 school year, 111 school districts participated in a multi-partner charter school initiative. A list of the sponsor districts and consortium partners is shown in Table 11.

■ Table 11

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 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 School District
Kiel Area School District	Arrowhead UHS School District Ashwaubenon School District Augusta School District Berlin Area School District Brown Deer School District Campbellsport School District Dodgeland School District Germantown School District Hillsboro School District Hutisford School District Iowa-Grant School District Juda School District Kewaunee School District Luck School District Mayville School District Mishicot School District Oakfield School District Plymouth Joint School District Portage Community School District Pulaski Community School District Randolph School District Shorewood School District

	<p>Twin Lakes #4 School District West De Pere School District Weston School District Whitefish Bay School District</p>
Marshall School District	<p>Baraboo School District Beloit Turner School District Burlington Area School District Cambridge School District Columbus School District Edgerton School District Evansville Community School District Fort Atkinson School District Jefferson School District Lake Mills Area School District Luxemburg-Casco School District Mauston School District Milton School District Monroe School District Reedsburg School District Stoughton Area School District Sun Prairie Area School District Trevor-Wilmot Consolidated School District Waterford Graded J1 School District Waterford Unified School District Waterloo School District Whitewater Unified School District</p>
Medford Area School District	<p>Abbotsford School District Antigo Unified School District Ashland School District Athens School District Auburndale School District Bloomer School District Bowler School District Chequamegon School District Clinton Community School District Clintonville School District Colby School District Edgar School District Elcho School District Greenwood School District Iola-Scandinavia School District Loyal School District Marion School District Marshfield Unified School District Mercer School District Mosinee School District Neillsville School District</p>

	New London School District Owen-Withee School District Phillips School District Pittsville School District Prentice School District Rhineland School District Rib Lake School District Rosholt School District Southern Door County School District Spencer School District Stevens Point Area School District Stratford School District Thorp School District Tomah Area School District Westby Area School District White Lake School District Wisconsin Dells 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, 2022

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 2021-22 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. Additionally, the Wisconsin Charter Schools Program helps support high-quality charter schools.

References

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Appendix A

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, 2021, and June 30, 2022, indicate this on the survey.

If your district DID make decisions regarding new charter schools between July 1, 2021, and June 30, 2022, respond to the questions on the survey, using the link 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 "development" decision 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.

An "implementation" decision 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.

[URL]

The form must be electronically submitted by clicking the "Submit" button on the last page, at the bottom of the survey. Complete and submit the survey electronically by August 26, 2022. If you have questions while completing the survey or encounter difficulty when transmitting the survey contact charterschools@dpi.wi.gov.

DPI-Charter Schools Team

Appendix B



WISCONSIN DEPARTMENT OF
Public Instruction

District Name:

CESA:

Contact information for person completing the survey.

Name *(First and Last)*

Title

Email Address

Did your district make **ANY** decisions regarding new charter schools between July 1, 2021, and June 30, 2022?

Yes

No

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District Decisions

1. From July 1, 2021, to June 30, 2022, how many "development" decisions were made by the district?

A "development" decision 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.

This total should include approval decisions and denial decisions.

2. Number of approved "development" decisions.

Enter "0" if none were approved.

3. Number of denied "development" decisions.

Enter "0" if none were denied.

4. From July 1, 2020, to June 30, 2021, how many "implementation" decisions were made by the district?

An "implementation" decision 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.

This total should include approval decisions and denial decisions.

5. Number of approved "implementation" decisions.

Enter "0" if none were approved.

6. Number of denied "implementation" decisions.

Enter "0" if none were denied.

7. Who initiated the charter school concept(s) or petition(s)?

Select all that apply.

District superintendent

School administration (principal, curriculum director, etc)

CESA

Teachers

Parents

Community (Not for Profit)

Business (For Profit)

8. 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)

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Provide any comments you have about charter schools in Wisconsin.

Text box will expand beyond the space provided.

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Submit Data