

# **Legislative Report on Charter Schools**

**2001-2002 School Year**



**Wisconsin Department of Public Instruction  
Elizabeth Burmaster, State Superintendent  
125 South Webster Street – PO Box 7841  
Madison, Wisconsin 53707-7841**

## **Acknowledgements**

---

This report is the first attempt by the Wisconsin Department of Public Instruction to gather statewide data on the number of charter school petitions and proposals and the action taken by school boards on these petitions and proposals. This study shows the number of school districts with charter school activity during the 2001-2002 school year.

The research for this report was undertaken by staff at the Wisconsin Department of Public Instruction. The report was prepared by Paula Crandall Decker with the assistance of Malena Brookshire, Lisa Geraghty and Sharon Wendt. Robert A. Soldner provided support and supervision for the project. Finally, Patricia Stutz created the maps, Steve Conlin created the electronic survey, and Kathy Addie formatted the report.

Prepared by Paula Crandall Decker  
with assistance from  
Malena Brookshire, Lisa Geraghty,  
and Sharon Wendt

December 2003

# **Table of Contents**

---

<b>Acknowledgements .....</b>	ii
<b>Table of Contents .....</b>	iii
<b>Tables .....</b>	iv
<b>Figures.....</b>	v
<b>Executive Summary .....</b>	1
<b>Introduction.....</b>	2
<b>Charter Schools in Wisconsin and Other States .....</b>	3
<b>Two Methods to Create a Charter School: Petitions and Proposals.....</b>	4
Charter School Petition.....	4
Public Hearing or Granting of Petition .....	5
Charter School Proposal .....	5
School Board Initiative or Charter School Proposal .....	5
Public Hearing on Granting of Proposal .....	5
Contract.....	5
Wisconsin Charter Schools.....	6
Survey Results .....	7
Question 6 .....	7
Question 7 .....	9
Question 8 .....	9
Reasons for Approval .....	10
Question 9 .....	11
Question 10 .....	11
Reasons for Denial .....	11
Question 11 .....	12
2001-2002 Charter School and Federal Grant Status .....	12
Confirmatory Phone Calls.....	14
<b>References.....</b>	17
<b>Appendix A .....</b>	18
<b>Appendix B .....</b>	20
<b>Appendix C .....</b>	21

## **Tables**

---

Table 1.	States with the Most Charter Schools as of Fall 2002 .....	8
Table 2.	Charter School Growth in Wisconsin .....	12
Table 3.	Reasons for Approval of Petitions or Proposals .....	16
Table 4.	Reasons for Denial of Petitions or Proposals.....	17
Table 5.	2001-2002 Action Taken By the Department and School Status .....	19
Table 6.	Schools Engaged in Multi-District Charter Activity .....	21

## **Figures**

---

- Figure 1 New charter school petitions in the 12 Cooperative Educational Service Agency (CESA) areas during the 2001-2002 school year.
- Figure 2 School districts with new charter school petitions are compared with school districts operating charter schools in 2001-2002 by CESA.
- Figure 3 Statewide Charter School Petition Activity Map from all data sources in 2001-2002.



## **Executive Summary**

---

The purpose of this study was to identify and describe the actions taken on new charter school petitions or proposals. This report offers a summary of charter school activity in the 426 Wisconsin school districts during the 2001-2002 school year. The data is based upon an electronic survey administered by the Wisconsin Department of Public Instruction (DPI), document review, and follow up phone calls. As required by Wisconsin State Statute Section 115.28 (49) the department submits this report to the legislature, in the manner provided under sec. 13.172 (2) Wis. Stats., on the status of existing charter schools, the number of petitions for new charter schools, and school board and departmental action on petitions for new charter schools.

An electronic survey was administered to 426 Wisconsin public school district superintendents in the state. Using a mixed mode methodology that included a survey, emails, letters and phone calls, a 100 percent response rate was achieved. Document review included federal charter school grant applications and annual charter school publications. Additionally, 32 follow-up phone calls were completed to districts that submitted federal charter school grant applications or were identified as members of a consortium on a grant application submitted to the Wisconsin Department of Public Instruction and not reported on the electronic survey.

There were 56 charter school proposals presented to 40 school boards statewide. Seven districts proposed multiple-district charter schools that involved an additional 32 school districts. In total, 61 (14.3 percent) of Wisconsin's 426 public school districts participated in the 56 charter proposals.

This study identified a two-level decision making process. Level one was defined as a concept approval. Concept approval included school board approval for further study, or a school board clerk and district administrator provided a signature on a federal charter school planning grant application, or the school board agreed to participate in a consortium petition. A second-level decision was defined as a decision to issue a charter, provide a signature on an agreement to participate in a multi-district charter school, or a school board official signature on an implementation grant to seek charter school start up funds from the Department of Public Instruction (DPI). Fifty-five (98.2 percent) proposals were approved at the level one decision, and 1 (1.8 percent) was denied. At the level two decision, 30 (53.6 percent) proposals were approved, and 23 (41 percent) were denied. For three (5.4 percent) schools, the second level decision was not applicable, in that one petition was denied at the level one decision, one planning group withdrew the petition, and one proposal remained in an extended planning stage.

Federal charter school grant funds played a significant role in charter school development in the state of Wisconsin. This study showed that planners sought petition approval and school boards approved proposals at the first-level decision because of the availability of federal charter school grant funds. Conversely, denial of or the limitation of federal charter school grant funds—which cannot be used for salaries, lease or rent of facility, or for student transportation—was indicated as a reason for lack of charter school development at the second-level decision.

## **Introduction**

---

The Wisconsin Charter School Program was established in 1993 to provide educational alternatives for students in kindergarten through grade twelve (Legislative Audit Bureau (LAB), 1998). The law permitted 10 school districts to establish up to two charter schools each, creating a ceiling of 20 schools statewide. Thirteen charter schools were initially created under this early law. In 1995, revisions to charter school law gave chartering authority to all school boards statewide and eliminated the cap on the total number of charter schools that could be created. In 1997, the state legislature gave chartering authority in Milwaukee to the chancellor of the University of Wisconsin–Milwaukee (UWM), to the Milwaukee Area Technical College (MATC), and to the Common Council of the City of Milwaukee. In 2001 Wisconsin Act 16, the 2001-2003 budget bill, limited chartering authority was given to the University of Wisconsin-Parkside to create a charter school for no more than 400 children.

During the 2001-2002 school year there were 102 operating charter schools authorized by Wisconsin school boards. A recent report evaluating the role and processes of authorizers in 24 states gave Wisconsin above average scores for every criterion used to evaluate the charter approval process (Palmer, Dau, & Shekerjian, 2003). Respondents in this study described the approval process in Wisconsin to be nonpolitical and focused on application quality. Application procedures were noted as varying from district to district, with some but not all having formal applications processes.

While there are multiple authorizers in the state of Wisconsin, this report specifically addresses local school board action as required by the legislature and does not include activity or action taken on new charter school petitions or proposals by non-school board sponsors.

In 2002, the DPI applied for and was awarded a three year, \$27 million federal grant by the United States Department of Education (USDE) to support planning and start up of new charter schools and the dissemination of best practice to increase student achievement. The state charter plan submitted to the USDE by the department projects 150 operating charter schools by the 2004-2005 school year. Wisconsin is in line to meet or to exceed that goal.

## **Charter Schools in Wisconsin and Other States**

---

Charter schools fall under the bigger umbrella of public school choice. At the federal level, significant funding has been allocated to promote charter schools and to encourage states to enact charter school legislation. Currently, 41 states have enacted charter school legislation (Center for Education Reform, 2003), and 37 have operating charter schools (United States Department of Education, 2003). The first charter school law in the country was created in Minnesota in 1991 and the country's first charter school opened in the Minneapolis-St. Paul area in 1992. Ten years later, according to the United States Department of Education (USDE), there were between 1,735 and 1,790 charter schools operating in the 2000-2001 school year, serving approximately 430,000 school children (Hill et al., 2001). Only two years later, the number of charter schools has grown to 2,799 serving 685,000 school children (Center for Education Reform, 2003).

Wisconsin enacted charter legislation in 1993. The first charter school was authorized by the Stevens Point Area School Board in 1994. Today, in terms of the number of charter schools operating, Wisconsin ranks seventh of the 37 states in total numbers of operating charter schools. Minnesota has 87, Illinois has 29, Indiana has 10, and Iowa has no operating charter schools. Table 1 presents the top ten states in the country with the largest number of operating charter schools.

■ Table 1

---

*States with the Most Charter Schools as of Fall 2002*

---

State	No. of Charters
Arizona	464
California	428
Florida	227
Texas	221
Michigan	196
Ohio	131
Wisconsin	128
North Carolina	93
Colorado	93
Pennsylvania	91

---

Source: Data obtained from the Center of Education Reform, January 2003. Wisconsin numbers were obtained from the Wisconsin Department of Public Instruction (2003).

Federal charter school planning and implementation start-up funds, awarded to the Department of Public Instruction by the USDE, are disseminated through the Wisconsin Charter School Program to support the development of successful charter schools which increase student achievement in public schools. 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 school administration and school board. There are two approaches to developing a charter school at the local level, petitions and proposals.

# **Two Methods to Create a Charter School: Petitions and Proposals**

---

## **Charter School Petition**

A written petition requesting the school board to establish a charter school must be filed with the school district clerk. A petition must be signed by at least 10 percent of the teachers employed by the school district or by at least 50 percent of the teachers employed at one school of the school district. By law, a petition includes all of the following:

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. § 118.01.
5. The method by which pupil progress in attaining the educational goals under Wis. § 118.01, will be measured.
6. The governance structure of the school, including the method to be followed by the school to ensure parental involvement.
7. Subject to sub. (7) (a) and (am) and Wis. § 118.19 (1) and 121.02 (1) (a) 2., Wis. Stats., 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.
16. The amount to be paid to the charter school during each school year of the contract.

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

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

### *Public Hearing or Granting of Petition*

A school board must hold a public hearing within 30 days after receiving a charter petition. At the hearing, the school board, as part of the review process, considers the level of employee and parental support for the establishment of the charter school described in the petition and the fiscal impact of the establishment of the charter school on the school district. After the hearing, the school board may grant or deny the petition.

A school board may grant a petition that would result in the conversion of all of the public schools in the school district to charter schools if all of the following apply:

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.

In Milwaukee, if a school board denies a petition, the person seeking to establish the charter school may, within 30 days after receiving the denial, appeal the denial to the DPI. The department shall issue a decision within 30 days after receiving the appeal. The DPI's decision is final, and by statute is not subject to judicial review.

## **Charter School Proposal**

### *School Board Initiative or Charter School Proposal*

A school board may on its own initiative contract with a person to operate a charter school. The contract must include all of the 16 provisions required in a petition and may include other provisions as agreed to by all parties. Planning requires an understanding of state and federal law as it relates to education and an awareness of local needs and educational options. Market competition requires a plan that can attract students and be fiscally viable.

### *Public Hearing on Granting of Proposal*

At least 30 days before entering into a contract that would convert a private school to a charter school or that would establish a charter school that is not an instrumentality of the school district, the school board shall hold a public hearing on the contract. At the hearing, the school board shall consider the level of employee and parental support for the establishment of the charter school and the fiscal impact of the establishment of the charter school on the school district. A school board may not enter into a contract that would result in the conversion of all of the public schools in the school district to charter schools *unless* 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.

### *Contract*

Whenever a school board intends to establish a charter school, Wis. Stats., 118.40 (1) requires notification of the State Superintendent of its intention. A notice must include a description of the proposed school. A charter school contract, which must include sixteen items according to § 118.40, satisfies this required notification.

A contract between a school board and a charter school operator may be for any term not exceeding five school years and may be renewed for one or more terms not exceeding five school years. The contract must specify the amount to be paid to the charter school during each school year of the contract. The contract often includes reasons and procedures for revocation or renewal.

## **Wisconsin Charter Schools**

Wisconsin's charter schools are intended to encourage innovation in school organization and instruction (Legislative Audit Bureau, 1998). Charter schools are accountable in three major areas: 1) student performance, 2) fiscal management, and 3) adherence to their contracts and the charter school law. Charter schools in Wisconsin are exempt from most state requirements regarding public education but are not exempt from federal laws governing regular or special education or civil rights policies, nor are they exempt from local school board policies unless negotiated in the charter contract. They are free to be creative in setting up their governance and administrative structure.

A charter school cannot charge tuition and must be equally accessible to all students in the school district. Preference in admission must be given to students living within the attendance area of an existing school that is converted to a charter school.

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. Specific information regarding special education may be found at the web address: <http://www.dpi.state.wi.us/dpi/dlsea/een/index.html> .

The charter school contract must clearly spell out how the school will achieve a racial and ethnic balance among its pupils and how the population of a charter school reflects the balance in the school district as a whole. Attendance at a charter school must be voluntary. Additionally, 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.

During the 2001-2002 school year the Wisconsin charter school population was 4.4 percent Asian/Pacific Islander, 37.4 percent African American, 12.7 percent Hispanic, 1.3 percent Native American, and 44.3 percent Caucasian. Table 2 shows the growth of Wisconsin charter schools from 1994 to 2003. The department publishes an annual charter school directory that includes a history of the Wisconsin charter school law, charter licensing requirements, and a description of each operating charter school in the state. This and other related information can be found on the charter school website at <http://www.dpi.state.wi.us/dpi/dfm/sms/csindex.html> .

■ Table 2

*Charter School Growth in Wisconsin*

Year	Number of Charter Schools
1994-1995	1
1995-1996	8
1996-1997	13
1997-1998	18
1998-1999	34
1999-2000	87
2000-2001	92
2001-2002	109
2002-2003	128
2003-2004	137

This section reviewed the procedures for developing a charter school using two approaches, a petition or a proposal. This next section will provide an overview of petition and proposal activity in school districts and action taken by school districts and the department.

## **Survey Results**

The department sent an email to all 426 school district superintendents in the state with an introductory letter from the State Superintendent (see Appendix B). The information contained within this report reflects petition or proposal activity during the 2001-2002 school year collected from 426 school districts via an electronic online survey (see Appendix C).

Survey data was collected from 426 (100 percent) of the public school districts in the state of Wisconsin. Questions one through five identified the school code, name, title, e-mail address and phone number of the person completing the survey. Questions six through eleven dealt with substantive issues related to charter school creation. Of the 426 survey respondents, 342 (80 percent) indicated their title as being Superintendents, 35 (8 percent) secretaries to the Superintendent, 25 (6 percent) other, which was comprised of school administrators including Director of Curriculum and Instruction, Director of Pupil/Student Services, Principal, or Charter School Administrator, and 14 (3 percent) were bookkeepers/business managers, and 10 (2 percent) were Assistant Superintendents. Where inconsistencies were noted between survey data and grant documentation, follow up contacts were made. The results are a compilation from all data sources.

### *Question 6*

In response to question 6, "From July 1, 2001 to June 30, 2002 how many petitions were filed in your district?" Initially, 26 (6.1 percent) of 426 (100 percent) school districts in the state of Wisconsin reported a total of 49 petitions or proposals filed with their school board during July 1, 2001 and June 30, 2002. Further data collection revealed that 40 (9.4 percent) school districts were presented with 56 petitions. Seven petitions involved multiple school districts. From all data sources it was determined that 61 districts were involved in the approval process of the 56 petitions. See Figure 1 for a breakdown of new charter school petitions or proposals by CESA.

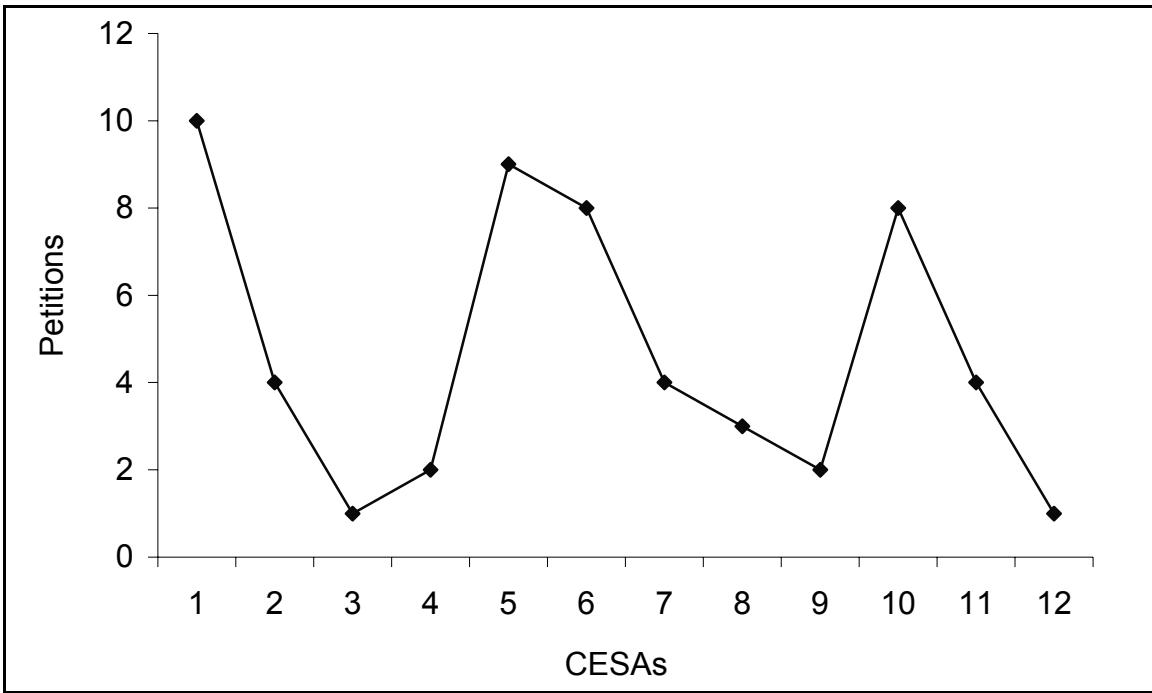


Figure 1. New charter school petitions in districts in the 12 Cooperative Educational Service Agency areas during the 2001-2002 school year from all data sources.

Maps published by the department depicting charter schools by location were obtained and compared to determine growth in the number of authorizers in the state. Specifically, the number of authorizers indicated in DPI annual charter school publications for the 2001-2002 and 2002-2003 school years were compared.

Figure 2 displays the comparison of number of authorizers, with differences most notably indicated for CESAs 2, 6, 7, 8 and 9. Whereas CESAs 2, 6, 7, and 8 experienced an increase in the number of authorizers from the 2001-2002 to 2002-2003 school years, a decline in the number of authorizers occurred within CESA 9. This decline was due to the closure of all charter schools in the Antigo School District. Wausau is the only district with a charter school in CESA 9. The number of authorizers increased in four CESA areas, remained the same in seven, and declined in one CESA (see figure 2).

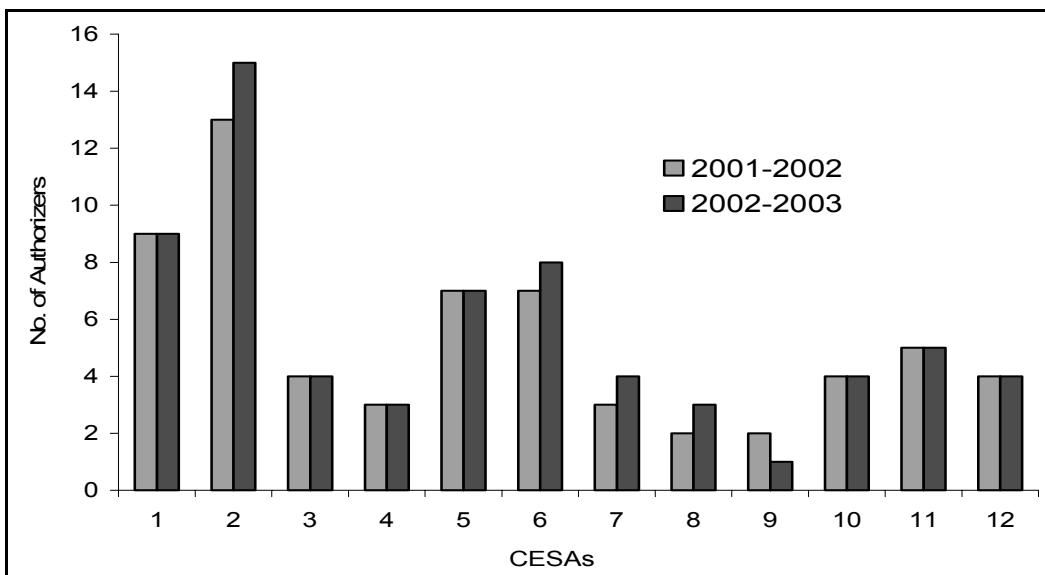


Figure 2. School districts with new charter schools in 2002-2003 are compared with school districts operating charter schools in 2001-2002 by CESA.

### *Question 7*

In response to Question 7, “*Of those filed how many were approved?*” respondents on the electronic survey reported that 42 (85.7 percent) petitions or proposals were approved of the 49 petitions or proposals filed. Inconsistencies in the data led to phone calls and document review. From all data sources, it was determined that 55 (98.2 percent) of proposals were approved at the level one decision, and 30 (53.6 percent) of petitions/proposals were approved at the level two decision.

There were several cases in which school districts with operating charter schools approved new charter school proposals. Appleton, with five operating charter schools in the 2000-2001 school year received four charter school proposals during 2001-2002. Milwaukee, already an authorizer of 16 charter schools, received four additional petitions; Stevens Point with three operating charter schools indicated the district received eight new petitions; and with two existing charter schools, Eau Claire received two new proposals. Black Hawk, Ladysmith-Hawkins, Oshkosh, Portage, River Falls, and Sparta had one operating charter each within their district prior to the petition or petitions submitted to their school board for consideration in 2001-2002. In addition, Bloomer, Gibraltar, Horicon, Kiel, Lake Mills, New London, Rice Lake, Shullsburg, Weyerhaeuser, and West Allis School Districts, indicated approval of new charter proposals and had no existing charters within their school district.

### *Question 8*

Question 8 allowed respondents to submit “*a rationale for actions taken for each petition or proposal approved.*” Twenty-one districts indicated approval of a petition or proposal on the electronic survey, and of those, 20 provided a rationale for the action taken. Follow up conversations with district superintendents made it clear that the process of approving a proposal and opening a school involved multiple steps. Two distinct levels of decision-making were documented. A first-level decision was defined as a concept approval whereby a school board supported further study or a school board clerk and district administrator provided a signature on

a charter school planning grant application submitted to the department for the purposes of seeking federal grant funds to develop a new charter school. A second-level decision was defined as a decision to issue a charter, or provide a signature on an agreement to participate in a multi-district charter school, or a school board official signature on an implementation grant to seek federal charter school start up funds from the department. According to department charter implementation grant application instructions, a charter school must be open and serving children and a copy of a charter must be filed with the department prior to the release of implementation grant funds (DPI, 2003).

A planning grant application submitted to the Department of Public Instruction (DPI) was considered synonymous with a petition or proposal. A charter school planning grant application, which requires the signature of the school board, was submitted to the DPI by all but two of the schools districts that indicated charter activity on the survey. Some of the respondents indicated that proposals involved a consortium of schools, such as Black Hawk, Horicon, Rice Lake, Shullsburg and Weyerhaeuser. While Rice Lake named three partners, (Barron, Cumberland and Cameron School Districts) these districts indicated no activity on the survey. Shullsburg, which did indicate petition activity, noted that the district was part of a consortium proposal and a joint planning grant, and that the charter school would be located in the Argyle School District. State charter law restricts a district from authorizing a charter school outside of its district boundaries, however multiple districts can participate in a charter school through an intergovernmental agreement, and in this case it appears that Shullsburg students will attend the multi-district charter school while Argyle will serve as the authorizer.

## **Reasons for Approval**

Table 3 represents reasons for approving the petition or proposal from all data sources.

■ Table 3

### *Reasons for Approval of Petitions or Proposals*

Reason	<i>n=55</i> Number	Percentage
Realize an Alternative Vision for Schooling	38	69.0%
Serve a Special Population	15	27.3%
Increase Parent/Community Involvement	9	16.4%
Financial Reasons	7	12.7%
Increase Student Achievement	5	9.0%
Attract Students	5	9.0%
Increased Flexibility or Autonomy	5	9.0%
To Participate in a Consortium	2	3.6%

Note: Districts could provide more than one reason, therefore, the total exceeds 100%.

Reasons given by Superintendents for approval of new charter school petitions or proposals by school boards mirror the reasons charters are founded, as revealed in national studies (Berman, Nelson, & Seppanen, 1997; Berman, Nelson, et al. 1998). "Serve a special population" was the second most frequently cited reason for approving a petition. Wisconsin cites "serving a special population" more than twice as frequently as the first national study, or 27.3 percent as compared

to 12.7 percent (Berman, Nelson, & Seppanen, 1997) and a few percentage points more than the second national study, or 27.3 percent as compared to 22.1 percent (Berman, Nelson, et. al. 1998).

While “increase parent community involvement” may appear low in Wisconsin, it was cited more frequently at the state level (16.4 percent) as compared nationally where 9.8 percent of respondents identified this reason (Berman, et al. 1998). However, one difference may be that this study collapsed “parent and community involvement” into one category leading to an over-representation of the percentage for “parent involvement.”

### *Question 9*

Question 9, “*Of those filed, how many were denied?*” electronic responses revealed five (12.8 percent) of the 39 petitions or proposals were denied. Further review showed that only one (1.8 percent) petition was denied at the level one decision. At the second level decision, 23 (41 percent) of petitions were denied.

### *Question 10*

Respondents were asked to provide “*a rationale for action taken on each petition or proposal denied.*” The rationales provided for petition or proposal denials were varied. Of the five districts that indicated denial on the survey, two (40 percent) referred to denial of planning grant funds in their comments.

## **Reasons for Denial**

School boards have the authority to approve or deny new petitions or proposals. Reasons for denial as provided by 23 of the 40 school districts presented with a petition or proposal from all data sources are presented in Table 4. “Financial reasons” was identified most frequently as the reason for denying a petition at the second level decision among the 40 districts presented with a petition.

■ Table 4

*Reasons for Denial of Petitions or Proposals*

Reason	<i>n =23</i>	
	Number	Percentage
Financial Reasons	20	87.0%
Did not need a charter	4	17.4%
Lack of leadership	2	8.7%
Lack of community/parent support	1	4.3%

*Note:* Districts could provide more than one reason for denial, therefore, the total exceeds 100%.

In cases where districts did not move forward with a charter proposal, it was determined that the proposed program was viable without a charter. In many cases, reviewers of grant applications determined that the application submitted to the department for consideration of charter school funds did not require a charter, or did not answer the question, “Why is a charter needed?” These remarks were shared with applicants, and while charter funds were not secured, alternative

education and Web-based programs were consequently implemented on the local level, and suggested that innovation was fostered by the charter activity.

Creating charter schools is labor intensive and requires leadership at the local level. For two (8.7 percent) of the respondents, a “lack of leadership” resulted in the proposal stopping at the level-two decision. “Lack of community/parent support” was identified as a reason for not approving a petition at the level-two decision by one (4.3%) district. Given the politics involved at the local level, and because the charter law requires districts to consider the level of parent support for the establishment of a charter school, lack of community or parent support was not seen to be a major reason for denial at the district level.

### *Question 11*

Question 11 of the electronic survey provided space for “*Comments*.” Of the 20 districts that indicated approval of charter proposals, six offered comments. Appleton indicated that the district works closely with planners so that the groups interested in starting a charter school have met local benchmarks and resolved differences before a proposal is presented to the school board. All four new charter school proposals were reported approved, thus supporting the contention that the district helps guide charter planners to success. Oshkosh indicated appreciation for “the collaborative elements adherent to charter programs” and for the opportunity to meet student needs afforded through charter schools.

Dodgeland and Shullsburg indicated involvement in a consortium. Dodgeland identified a relationship with the Horicon School District. Shullsburg reported that it worked with the Argyle School District. They stated that Argyle would serve as the “host site and fiscal agent.” This relationship suggested by Shullsburg is referred to as a 3 (c) school by the department. The term 3(c) is a specific reference in the Wisconsin Charter School law [118.40(3)(c), Wis. Stats.] that permits two or more school districts to enter into an intergovernmental agreement to establish a charter school in one of the districts. According to the department, approximately 13 consortium schools existed prior to the 2001-2002 school year (DPI, 2002).

Of the 401 school districts with no charter school petitions filed, 55 (13.75 percent) provided comments. Districts with no charter schools offered comments covering several themes. Nineteen (34.5 percent) of these school districts made reference to having received or having plans to apply for state grant funding, and 15 (27.3 percent) districts indicated no interest in charters. Of the 15 indicating no interest, five comments were negative to charter schools in their district. Eleven (20 percent) indicated favorable comments about charter schools, eight (14.5 percent) indicated plans to implement charter schools in their districts in the future, and seven (12.7 percent) respondents referenced existing charter schools within their district.

## **2001-2002 Charter School and Federal Grant Status**

There were 109 operating charter schools in the 2001-2002 school year, of which 102 were authorized by 66 school districts. Of the remaining seven charter schools, four were authorized by the City Council of Milwaukee and three were authorized by the University of Wisconsin-Milwaukee.

A listing of charter proposals, type of federal charter school grant application submitted to the department, the status of the application as funded or not funded, and status as to whether efforts ultimately led to a school being opened or not opened are revealed in Table 5.

■ Table 5

*2001-2002 Action Taken By the Department of Public Instruction and School Status*

District	Application Type	Date Signed by School Board	Funding Status	School Status
Antigo	Planning	12/18/01	Not Funded	Did not open
Argyle	Planning	12/21/01	Funded	Open
Appleton eSchool	Planning	12/09/01	Funded	Open
Appleton Odyssey	Planning	12/18/01	Not Funded	Open
Appleton-Telsa	Planning	12/18/01	Not Funded	Open
Appleton-Wis. Connect	Planning	12/18/01	Not funded	Open
Beloit	Planning	12/18/01	Funded	Open
Bloomer	Planning	12/19/01	Funded/Declined	Did not open
Bruce	Planning	12/27/01	Funded/Declined	Did not open
Birchwood	Planning	12/27/01	Funded/Declined	Did not open
Clintonville	Planning	12/19/01	Not funded	Did not open
Colby	Planning	12/27/01	Not funded	Did not open
DodgeLand	Planning	12/11/01	Not funded	Did not open
Eau Claire-Health	Planning	12/03/01	Funded	Open
Eau Claire-Mont.	Planning	12/03/01	Funded	Open
Flambeau	Planning	12/19/01	Funded	Open
Glendale-River Hills	Planning	12/19/01	Not Funded	Did not open
Green Bay	Planning	12/21/01	Funded	Did not open
Green Bay	Planning	12/21/01	Not Funded	Did not open
Hayward	Implementation	9/26/01	Funded	Open
Horicon	Planning	12/26/01	Funded/declined	Did not open
Janesville	Planning	12/17/01	Not funded	Did not open
Kiel	Planning	12/11/01	Funded	Open
La Crosse	Planning	12/20/01	Funded	Extend planning
Ladysmith-Hawkins	Implementation	9/24/01	Funded	Open
MPS-Malcolm. X	Planning	12/12/01	Funded	Open
MPS-North Star	Planning	12/21/01	Funded	Open
MPS-Phoenix	Implementation	9/20/01	Funded	Open
MPS- Wings	Planning	12/21/01	Funded	Open
New London	Planning	12/21/01	Funded	Open
Oconto Falls	Planning	12/27/01	Not funded	Did not open
Oconto	Planning	12/17/01	Not funded	Did not open
Osceola	Planning	12/28/01	Funded/Declined	Did not open
Oshkosh	Implementation	9/26/01	Funded	Open

District	Application Type	Date Signed by School Board	Funding Status	School Status
Portage	Planning	12/18/01	Funded	Open
Rice Lake	Implementation	9/21/01	Funded	Open
River Falls	Planning	12/21/01	Funded	Open
Sparta-High Point	Planning	12/21/01	Funded	Open
South Milwaukee	Planning	12/5/01	Not funded	Did not open
Stevens Point Area Schools (SPAS)- Jackson Elementary	Planning	12/20/01	Funded	Open
SPAS- McDill	Planning	12/18/01	Funded	Open
SPAS- Plover	Planning	12/20/01	Not Funded	Did not open
SPAS- Wisconsin River	Planning	12/20/01	Funded	Open
SPAS- Roosevelt.	Planning	12/18/01	Not funded	Did not open
SPAS- JFK	Planning	12/20/01	Not funded	Did not open
SPAS- Washington	Planning	12/11/01	Not funded	Did not open
SPAS-Online	Planning	12/20/01	Not funded	Did not open
Sturgeon Bay	Implementation	9/26/01	Funded	Open
Wausau	Planning	12/18/01	Denied/Withdrew	Did not open
West Allis	Implementation	9/05/01	Funded	Open
Wilmot UHS	Planning	12/21/01	Not funded	Did not open
Waukesha	Planning	12/20/01	Funded	Open
Waukesha	Implementation	9/12/01	Funded	Open
Weyerhaeuser	Planning	12/12/01	Funded/Declined	Did not open

While funding status did not assure the opening of a school for six districts, funding status and school status as open or not open appeared closely related. Conversely, for one district, lack of funding did not inhibit the opening of a charter school.

#### *Confirmatory Phone Calls*

To verify consortium information included in the demographic or in the narrative sections of charter school grant applications, or through other means of data collection, such as the survey, 34 phone calls were made. Charter school grants documentation review revealed that 29 schools were engaged in multi-district charter activity (see Table 6).

■ Table 6

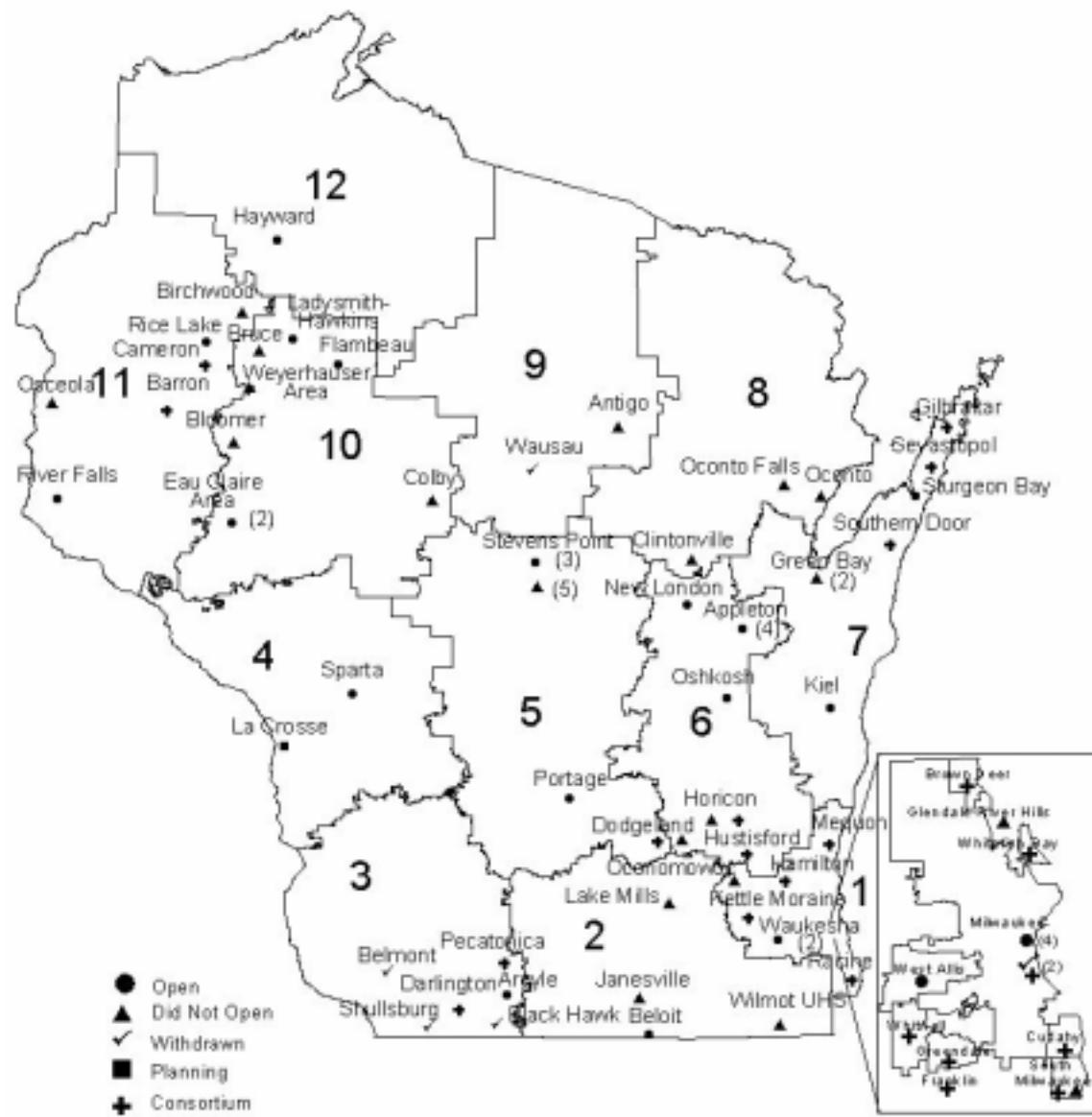
#### *Schools Engaged in Multi-District Charter Activity*

LEA District	Consortium District	LEA District	Consortium District
Argyle	Belmont Black Hawk Darlington Pecatonica Shullsburg	South Milwaukee	Brown Deer Greendale Hamilton Sussex Kettle Moraine Mequon Milwaukee

<b>LEA District</b>	<b>Consortium District</b>	<b>LEA District</b>	<b>Consortium District</b>
Dodgeland	Horicon Hustisford		Racine Whitefish Bay
Horicon	Beaver Dam* Dodgeland Waupun*	Sturgeon Bay	Gibraltar Sevastopol Southern Door
Rice Lake	Barron Cameron	West Allis	Cudahy Franklin South Milwaukee Whitnall

Note: Follow up phone calls to districts identified as partners or participants in grant applications served to eliminate Beaver Dam and Waupun as consortium participants.

Of the 29 districts identified in multi-district charter activity, eight indicated activity on the electronic survey and 21 did not. According to all data sources, 61 (14.3 percent) of the 426 school districts had charter activity and made 81 individual first level petition decisions. Of the 56 proposals, 55 (98.2 percent) received level one approval and 1(1.8 percent) was denied at the level one decision. Three districts, Oconomowoc, Wausau and La Crosse did not move to the level-two decision. Oconomowoc denied a petition at the level one decision. Wausau withdrew their petition at level two, and La Crosse remained in an extended planning phase. At the level two decision, 30 (53.6 percent) of proposals were approved, 23 (41 percent) were denied, and for 3 (5.4 percent) the second level decision did not apply. The following map depicts the outcome of new charter school petitions or proposals filed during the 2001-2002 school year (see figure 3).



*Figure 3: Statewide Charter School Activity in 2001-2002. Picture includes districts with petitions and multi-district charter school consortium partners in all 12 Cooperative Education Service Agency (CESA) areas.*

*Note:* The symbols indicate the ultimate outcome of the charter school petition or charter school.

## **References**

---

- Center for Education Reform. (2001). Charter school laws across the states: Ranking score card and legislative profiles. Washington, DC: Author.
- Hill, P., Lake, R., Celio, M. B., Campbell, C., Herdman, P., & Bulkley, K., (2001). *Study of Charter School Accountability: National Charter School Accountability Study*. (OERI Publication No. RC9711032). Washington, DC: US Department of Education, Office of Educational Research and Improvement.
- Legislative Audit Bureau. (1998). *An evaluation: Charter school program*. (LAB Report 98-15). Madison, WI: Author.
- Palmer, L. B., Gau, R., & Shekerjian, O. (2003). *Charter School Authorizing: Are States Making the Grade*. Washington, DC: Thomas B. Fordham Institute.
- United States Department of Education. *Overview of charter schools*. Retrieved on July 25, 2003 from <http://www.uscharterschools.org/pub/uscs/docs/gi/overview.htm>

# Appendix A

---



## Wisconsin Department of Public Instruction Charter School Contract Reviewer Benchmarks

School District/Chartering Authority Name	Charter School Name	
<i>Rating</i>		
Criteria	Rating	
	Present	Absent
<b>General Information</b>		
Indicates name of the person seeking to establish the charter school.	<input type="checkbox"/>	<input type="checkbox"/>
Indicates name of the person who will be in charge of the charter school.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the manner in which administrative services will be provided.	<input type="checkbox"/>	<input type="checkbox"/>
Contract identifies the status of the school as a non-instrumentality or instrumentality of the school district.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Charter School Program Description</b> <i>Well organized description of school.</i>		
Describes the charter school educational program offered and students served.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method used to enable pupils to attain educational goals under Wisconsin Statutes 118.01 <i>academic skills and knowledge</i> .	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method by which evidence of student achievement or progress in attaining academic skills and knowledge will be measured.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Governance/Structure</b>		
Describes how the school will be governed, including method to be followed to ensure parental involvement.	<input type="checkbox"/>	<input type="checkbox"/>
Includes methods employed to review qualifications that must be met by individuals employed by the school, assuring that every teacher, supervisor, administrator or professional staff member holds a certificate, permit or license issued by the department before entering duties for such a position [Wisconsin Statutes 118.19(10 and 121.02(1)(a)2.]	<input type="checkbox"/>	<input type="checkbox"/>
Provides procedures which the school will follow to ensure the health and safety of the pupils.	<input type="checkbox"/>	<input type="checkbox"/>
Provides the procedures used to achieve a racial and ethnic balance among its pupils that is reflective of the school district population.	<input type="checkbox"/>	<input type="checkbox"/>
Outlines the admission policy or provides the requirements, if any, for admission to the school.	<input type="checkbox"/>	<input type="checkbox"/>
Describes procedures school will follow if more students apply for admission than can be admitted, including a lottery process.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the level of autonomy afforded the charter school relative to policy and budget development, staffing and evaluation.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the procedures by which students will be disciplined.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Criteria</b>	<b>Rating</b>	
	<b>Present</b>	<b>Absent</b>
Identifies the public school alternatives for pupils who reside in the school district and do not wish to attend or are not admitted to the charter school.	<input type="checkbox"/>	<input type="checkbox"/>
Indicates how the program and attendance at the charter school is voluntary.	<input type="checkbox"/>	<input type="checkbox"/>
Clearly states that the charter school does not charge tuition.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Financial/Operational Criteria</b>		
Describes the manner in which annual audits of the financial and programmatic operations of the school will be performed.	<input type="checkbox"/>	<input type="checkbox"/>
Provides a description of the facilities and the types and limits of the liability insurance that the school will carry.	<input type="checkbox"/>	<input type="checkbox"/>
Describes the effects of the establishment of the charter school on the liability of the school district or the effect of the establishment of the charter school on the liability of the contracting entity.	<input type="checkbox"/>	<input type="checkbox"/>
The contract specifies the amount to be paid to the charter school each year of the contract.	<input type="checkbox"/>	<input type="checkbox"/>
Contract addresses how the school district will allocate federal funding for which the charter school is eligible.		
Describes a program which is nonsectarian in its practices, programs, admission policies, employment practices and all other operations.	<input type="checkbox"/>	<input type="checkbox"/>
Includes a nondiscrimination clause stating the charter school will not deny admission or participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.	<input type="checkbox"/>	<input type="checkbox"/>
Addresses the procedures or reasons by which either party may withdraw or revoke the contract.	<input type="checkbox"/>	<input type="checkbox"/>
Describes or identifies any waivers of school district policy agreed to by the authorizer and the operator of the charter school.	<input type="checkbox"/>	<input type="checkbox"/>
Specifies any administrative fee paid to the authorizer and agreed to by the authorizer and the operator of the charter school.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>		
The length of the contract is specified, not to exceed five years.	<input type="checkbox"/>	<input type="checkbox"/>
The contract is dated and signatures of the authorizer and the operator of the charter school are provided.	<input type="checkbox"/>	<input type="checkbox"/>
If the charter school replaces a public school, in whole or part, describes how it will give preference in admission to any pupil who resides in the attendance area or the former attendance area of that public school.	<input type="checkbox"/>	<input type="checkbox"/>
By September 1, 2004 operators of high school grades describe policy specifying criteria for granting high school diploma.	<input type="checkbox"/>	<input type="checkbox"/>
Describes manner of transportation, if provided, to and from the charter school.	<input type="checkbox"/>	<input type="checkbox"/>

## **Appendix B**

---



### **State of Wisconsin Department of Public Instruction**

**Mailing Address:** P.O. Box 7841, Madison, WI 53707-7841

125 South Webster Street, Madison, WI 53702

(608) 266-3390 **TDD** (608) 267-2427 **FAX** (608) 267-1052

**Internet Address:** [www.dpi.state.wi.us](http://www.dpi.state.wi.us)

---

**Elizabeth Burmaster**  
State Superintendent

July 25, 2002

Dear District Administrator:

A new requirement included in Act 16, 2001-03 biennial budget, requires the Department of Public Instruction to report annually to the legislature on the status of existing charter schools, the number of petitions and proposals for new charter schools, and school board and departmental action on petitions and proposals for new charter schools.

To comply with this new requirement, the department has developed an electronic survey to gather the data to be included in our report to the legislature. The website address for the survey is <http://test.dpi.state.wi.us/survey/charter/Charter.htm>. The information requested specifically complies with s.115.28(49), Wis. Stats., and is being collected for July 1, 2001 to June 30, 2002.

Please complete and submit your survey responses electronically no later than August 9, 2002. If you have questions regarding the survey, please contact Malena C. Brookshire, program and policy analyst for charter schools, at 608-266-2803 or [malena.brookshire@dpi.state.wi.us](mailto:malena.brookshire@dpi.state.wi.us). Your timely completion of this survey is greatly appreciated.

Sincerely,

Elizabeth Burmaster  
State Superintendent

jmt

## **Appendix C**

---



# **WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION**

**DEDICATED TO CHILDREN AND LEARNING**

### **Charter School Survey**

Dear District Administrator, The following information is being collected to comply with the Charter School Report newly required under Wis. Stats. 115.28(49). The Department of Public Instruction must annually report to the legislature on the status of existing charter schools, the number of petitions for new charter schools, and school board and departmental action on petitions for new charter schools.

Thank you for taking the time to complete this survey. Please respond to the survey questions below regarding approval or denial for each petition or proposal filed, and please describe the reason(s) for your approval or denial for each petition or proposal filed.

1. District Name and Code Number: (Click here for a list of school districts and code numbers. Copy and paste into the box below.)

2. Name of the person completing this survey.

3. Title of the person completing this survey.

4. Email address of the person completing this survey.

5. Phone number of the person completing this survey.

6. From July 1, 2001 to June 30, 2002 how many petitions or proposals for new charter schools were filed in your district?

7. Of those filed how many were approved?

**8. Rationale for actions taken for each petition or proposal approved.**

**9. Of those filed, how many were denied?**

**10. Rationale for actions taken for each petition or proposal denied.**

**11. Comments**

Any further questions or concerns should be directed to:

Paula Crandall Decker  
Charter School Consultant  
State of Wisconsin Department of Public Instruction  
[paula.crandall.decker@dpi.state.wi.us](mailto:paula.crandall.decker@dpi.state.wi.us)  
608-266-5728 or 1-888-245-2732 ext. 5 (toll free)