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CHARTER SCHOOLS

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
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Statutory Report Series

Legislative Report on Charter Schools

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Executive Summary

As stated in § 115.28 (49), Wis. Stats., the Wisconsin Department of Public Instruction (DPI) is required to submit this report to the legislature in the manner provided under § 13.172 (2), Wis. Stats., regarding the status of existing charter schools, the number of petitions for new charter schools, and the action taken by school boards and the DPI on petitions for new charter schools. This report offers the results of charter school activity in the 426 Wisconsin school districts during the 2008-2009 school year.

For the purposes of this report, two distinct levels of decision making are documented. A first-level decision, referring to the charter school's *development* stage, occurs when the school district approves further study of a charter school concept, participates in a consortium of school districts interested in opening a charter school, or signs a planning grant with the purposes of seeking federal charter school planning funds from the DPI. A second-level decision, which occurs at the *implementation* stage, is when the school district issues a charter, provides a signature on an agreement to participate in a multi-district charter school, or signs an implementation grant with the purpose of seeking federal charter school start-up funds from the DPI.

The DPI 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 2008-2009 school year, 49 of Wisconsin's 426 school districts (11.5 percent) reported new charter school activity. This includes at least one district in every Cooperative Educational Service Agency (CESA). When the activity is examined more closely, it is revealed that 43 school boards made 58 first-level charter school decisions, and 30 school boards made 53 second-level charter school decisions. Of the first-level decisions, 50 of the 58 (86.2 percent) were approved. Of the second-level decisions, 44 of 53 (83.0 percent) were approved. Six school districts reported a second-level decision but not a first-level decision. The data show that school district staff were instrumental in the initiation and planning of charter school petitions and proposals.

This report documents that charter school planners sought approval at both the first and second levels of decision making primarily to realize an alternative vision for schooling and to increase student achievement. The lack of uniqueness or innovation, declining enrollment, and financial constraints were the primary reasons cited for denial of petitions or proposals at both levels.

Introduction

Charter schools, as defined by the United States Department of Education (USDE), are a form of public school choice that provides increased 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 missions and methodology, directed toward increasing the ability of the school to meet the special needs and interests of its community, parents, and students. Therefore, charter schools become, in essence, living laboratories that may influence the larger public school system and introduce an element of entrepreneurship within that system. Although many goals for educating and preparing children are similar, each charter school fulfills a specific local need in education through autonomy in areas such as curriculum, teaching methodology, and classroom structure. The chartering authority holds the school accountable to its charter and for increasing student achievement. Consistent with the national motto for charter schools, "Autonomy for Accountability," the Wisconsin charter schools law (Wis. Stats., §118.40) 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 United States' first charter school opened in the Minneapolis-St. Paul area. Ten years later, in the year 2000, over 1,700 charter schools were in operation nationwide, serving approximately 430,000 school children (Hill et al., 2001). During the 2008-2009 school year, approximately 4,600 charter schools were in operation across 40 states and the District of Columbia serving over 1.4 million students (National Alliance for Public Charter Schools, 2010). Charter schools represent 4.7 percent of all public schools and 2.9 percent of all students attending public schools (National Alliance for Public Charter Schools, 2010).

Promoted by a boost of federal funding, the number of charter schools over the last two decades has increased. The 2009 appropriation for the USDE Public Charter Schools Program was \$216 million, an increase of 13.7 percent from the previous year (U.S. Department of Education, 2009).

Wisconsin Charter Schools

History of Wisconsin's Charter School Law

The Wisconsin Charter Schools Program was established in 1993 to provide educational alternatives for students in kindergarten through grade twelve. The initial law permitted ten school districts to establish up to two charter schools each, creating a statewide cap of twenty schools. The Stevens Point Area School Board authorized Wisconsin's first charter school in 1994, and twelve other charter schools in various school districts soon followed. 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 to authorize charter schools. In 1997, the state gave chartering authority 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 a CESA to operate a charter school as long as the charter school is located within the CESA's region. In the 2001-2002 budget bill, the University of Wisconsin-Parkside (UW-Parkside) was added to the list of authorizers, allowing it to establish a single charter school. These independent chartering entities are often referred to as 2R authorizers because §118.40 (2r) is the statute that allows these entities. (For more information, see [2R or Independent Authorizers](#) below).

In addition to increasing the number of authorizing entities, the law has undergone additional changes. The 1998 budget adjustment session established procedures for a school board to follow when a petition is received for the development or opening of a charter school. The 1998 adjustment also established procedures for converting a nonsectarian private school to a charter school and added the requirement that a charter school be identified as an instrumentality (where school staff are employed by the school district) or a non-instrumentality (where school staff are not employees of the school district). Changes that occurred in the 2003 and 2005 biennial budgets exempted Woodlands Academy, a charter school sponsored by the UW-Milwaukee, 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. Finally, in 2008, the law was further amended to establish specific requirements for virtual charter schools.

Charter School Growth in Wisconsin

With changes in the law, increased federal funding and greater interest, the number of charter schools in Wisconsin has grown steadily. Table 1 shows the growth of Wisconsin charter schools from the fall of 1994 to the fall of 2008.

■ Table 1

Growth of Charter Schools in Wisconsin

Year	Number of Charter Schools	Percent Increase from Previous Year
1994-1995	1	-
1995-1996	8	700%
1996-1997	13	63%
1997-1998	18	38%
1998-1999	40	122%
1999-2000	63	58%
2000-2001	86	37%
2001-2002	109	27%
2002-2003	129	18%
2003-2004	134	4%
2004-2005	161	20%
2005-2006	183	14%
2006-2007	190	4%
2007-2008	231	22%
2008-2009	221	- 4%

During the 2008-2009 school year, 221 charter schools were operating in Wisconsin. Eighty-three Wisconsin school boards authorized 205 charter schools, and UW-Milwaukee, UW-Parkside, and the City of Milwaukee collectively sponsored 16 charter schools. Although 10 new charter schools opened in 2008, 20 charter schools closed at the conclusion of the 2007-2008 school year primarily because the charter school converted to a program (45 percent). Other reasons included financial difficulties, low student enrollment, and conversion to a non-charter public school. Nevertheless, Wisconsin ranks 7 out of 41 states in the total number of charter schools in operation (see Table 2). During the 2008-2009 school year, over 35,000 Wisconsin students attended a charter school. This enrollment represents 4.1 percent of all Wisconsin public K-12 students.

■ Table 2

States with the Most Charter Schools

		Total Number of Charter Schools		Percent of Public Schools that are Charters
Rank	State	2007-2008	2008-2009	2008-2009
1	California	687	747	7.4%
2	Arizona	455	474	21.0%
3	Texas	261	265	5.8%
4	Florida	360	396	10.4%
5	Ohio	323	330	8.6%
6	Michigan	223	232	5.6%
7	Wisconsin	231	221	9.6%
8	Minnesota	143	153	5.9%
9	Colorado	141	149	8.4%
10	Pennsylvania	125	127	3.9%

Sources: The National Alliance for Public Charter Schools, 2006-2010. Wisconsin numbers are obtained from the Department of Public Instruction.

Since the passage of Wisconsin's charter school law and the opening of the first charter school in 1994, Wisconsin has received national praise for its initiative in the charter school movement. A 2003 report, which evaluated 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, Gau, & Shekerjian, 2003). Respondents in this study described Wisconsin as nonpolitical and focused on application quality. In 2005, the DPI applied for and was awarded a three-year, \$52 million federal grant by the United States Department of Education to support both the development of new charter schools and the dissemination of best practices of current charter schools. These federal funds are disseminated through sub-grants administered by the Wisconsin Charter Schools Program of the DPI. Table 11 below lists the districts and schools that submitted a federal grant application to the DPI during the 2008-2009 reporting period and the action taken by the DPI regarding these applications.

It should be noted that, while charter school grant funds may influence and encourage the development of new charter schools, chartering a new school at the local level is a separate and distinct activity from applying for charter school grant funds. There are many charter schools in operation that do not apply for or receive federal charter school grant funds.

Overview of Wisconsin's Charter Schools

Below is a brief overview of Wisconsin's charter schools, which is necessary to fully understand the contents of this report. This and other related information can be found on the DPI charter school website at <http://dpi.wi.gov/sms/csindex.html>. Additionally, the DPI publishes an annual charter schools yearbook 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 can also be found on the department's charter schools webpage.

Aspects of Autonomy

Wisconsin's charter schools are exempt from most state requirements regarding public education. However, they are not exempt from federal laws governing regular or special education and civil rights policies. Additionally, they are not exempt from local school board policies, unless negotiated and documented in the charter school contract. The purpose of these exemptions is to allow charter school developers freedom in creating and establishing independent governance and administrative structures.

Accessibility and Admission

Under federal law, charter schools must be equally accessible to all students in the school district. 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, the charter must clearly describe how the school will achieve a racial and ethnic balance that reflects the balance in the school district as a whole. (See Table 3.)

Regarding admission, preference must be given to students living within the attendance area of an existing school that is converted to a charter school. Nonresident students who want to attend the charter school may be able to do so by enrolling in the district under the Wisconsin Public School Open Enrollment Program. If more students apply to attend the charter school than there are spaces available, a random lottery must be held. Furthermore, a charter school cannot charge tuition to any students attending the charter school.

■ Table 3

Wisconsin's Charter School Population by Race/Ethnicity

	2007-2008		2008-2009	
	Charter	State	Charter	State
Asian/Pacific Islander	5.1%	3.6%	5.6%	3.6%
Black, not Hispanic	31.8%	10.5%	30.8%	9.5%
Hispanic	14.4%	7.6%	14.8%	7.7%
American Indian/ Alaskan Native	1.0%	1.5%	1.0%	1.5%
White, not Hispanic	47.7%	74.8%	48.2%	77.6%

Source: Wisconsin Department of Public Instruction

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. This provision also applies should a school board enter into a contract that would result in the conversion of all the public schools in the district to charter schools.

Charter schools receiving federal grant funds are subject to the Non-regulatory Guidance of the Public Charter Schools Program of the U.S. Department of Education. For a copy of this document, which clearly spells out admission and lottery requirements, please visit:
<http://www.ed.gov/policy/elsec/guid/cspguidance03.pdf>

2R or Independent Authorizers

Although most authorizers are school districts, some other entities are permitted by state law to authorize charter schools. These entities include UW-Milwaukee, MATC, the Common Council of the City of Milwaukee, and UW-Parkside. These independent chartering entities are often referred to as 2R authorizers because §118.40 (2r) is the statute that allows these entities.

During the 2008-2009 school year, there was a total of 16 independent (2R) charter schools in operation in Wisconsin. See Table 4 below for a list of these schools and their authorizers.

■ Table 4

Wisconsin's Independent (2R) Charter Schools

Authorizer	School
City of Milwaukee	Academy of Learning and Leadership
City of Milwaukee	Central City Cyber-school
City of Milwaukee	Darrell Lynn Hines Academy
City of Milwaukee	Downtown Montessori Academy
City of Milwaukee	Milwaukee Academy of Science
UW-Milwaukee	BEAM (Business & Economics Academy of Milwaukee)
UW-Milwaukee	Capitol West Academy
UW-Milwaukee	Inland Seas School of Expeditionary Learning
UW-Milwaukee	Milwaukee College Preparatory School
UW-Milwaukee	Milwaukee Renaissance Academy
UW-Milwaukee	School for Early Development & Achievement (SEDA)
UW-Milwaukee	Seeds of Health Elementary School
UW-Milwaukee	Tenor High School
UW-Milwaukee	Woodlands School
UW-Milwaukee	YMCA Young Leaders Academy
UW-Parkside	21st Century Preparatory School

Source: Wisconsin Department of Public Instruction

Instrumentality and Non-Instrumentality

During the chartering process, the chartering group seeking authorization from a school district must decide if the charter school will be an instrumentality or non-instrumentality of the school district in which it is located. If the school is an instrumentality, the district employs all personnel for the charter school. If the charter school is not an instrumentality, the personnel are considered employees of the charter school and the district does not employ any personnel of the charter school. During the 2008-2009 school year, of the charter schools authorized by districts, there were 181 (81.9 percent) instrumentality and 24 (10.9 percent) non-instrumentality charter schools.

Creating a Charter School

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

Charter School Petition

Written Petition

Developing a petition is a collaborative effort between local groups, which usually includes 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 § 118.01, Wis. Stats.
5. The method by which pupil progress in attaining the educational goals under § 118.01, Wis. Stats. 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 §118.19 (1), Wis. Stats., 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 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, the DPI established a contract benchmark sheet that outlines required and suggested items for inclusion in a charter school contract. (See [Appendix A](#).)

After the petition has been written, it must be signed by at least ten percent of the teachers district-wide or at least fifty percent of the teachers employed at one school. The petition, which

requests that the school board establish a charter school, is then filed with the school district clerk.

Public Hearing

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

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

Conditions for Total Charter School Conversion

In special circumstances, 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. 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 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.

Notification

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

Public Hearing

In some situations, a private non-sectarian school may want to convert to a 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.

First- and Second-Level Decisions

There are two distinct levels of decision making within districts considering the establishment of a charter school. A first-level decision, referring to the charter school's *development* stage, occurs when the school district approves further study of a charter school concept, participates in a consortium of school districts interested in opening a charter school, or signs a planning grant

with the purpose of seeking federal charter school planning funds from the DPI. A second-level decision, at the *implementation* stage, occurs when the school district issues a charter, provides a signature on an agreement to participate in a multi-district charter school, or signs an implementation grant with the purpose of seeking federal charter school start-up funds from the DPI. To help measure and gauge this activity, the DPI developed an electronic survey which is distributed to all Wisconsin school districts annually. The results from the 2008-2009 survey are summarized in the next section.

Petition and Proposal Activity – Survey Results

This section provides a summary of petition and proposal activity in school districts during the 2008-2009 school year as well as the action taken by the DPI on charter school grant applications that were submitted during this period. Although there are multiple authorizers in the state of Wisconsin (e.g.: City of Milwaukee, UW-Milwaukee, MATC, UW-Parkside), the data in this report specifically addresses local school board action and does not include activity or action taken on new charter school proposals by non-school board sponsors. The terms “proposal” and “petition” are used interchangeably throughout this section.

The first step in gathering the data needed was an introductory letter, which was mailed to the superintendent of all 426 school districts (See Appendix B). This letter requested that each district complete an electronic online survey, which asked questions regarding new charter activity in the district during the 2008-2009 school years. By mailing reminders and through direct email and phone contact, a 100 percent response rate was achieved. When inconsistencies were noted between survey data and grant documentation, follow-up contacts were made to ensure accuracy and reliability of results from all data sources.

The electronic online survey included 16 questions (See Appendix C). Questions 1-3 identified the district, the district code, and the name and title of the person completing the survey. Questions 4-15 included specific questions regarding the decisions made, the people involved and the reasons behind the decision-making. The final portion of the survey allowed for open comments, providing each district an opportunity to remark generally about charter schools or specifically about the Wisconsin Charter School Program.

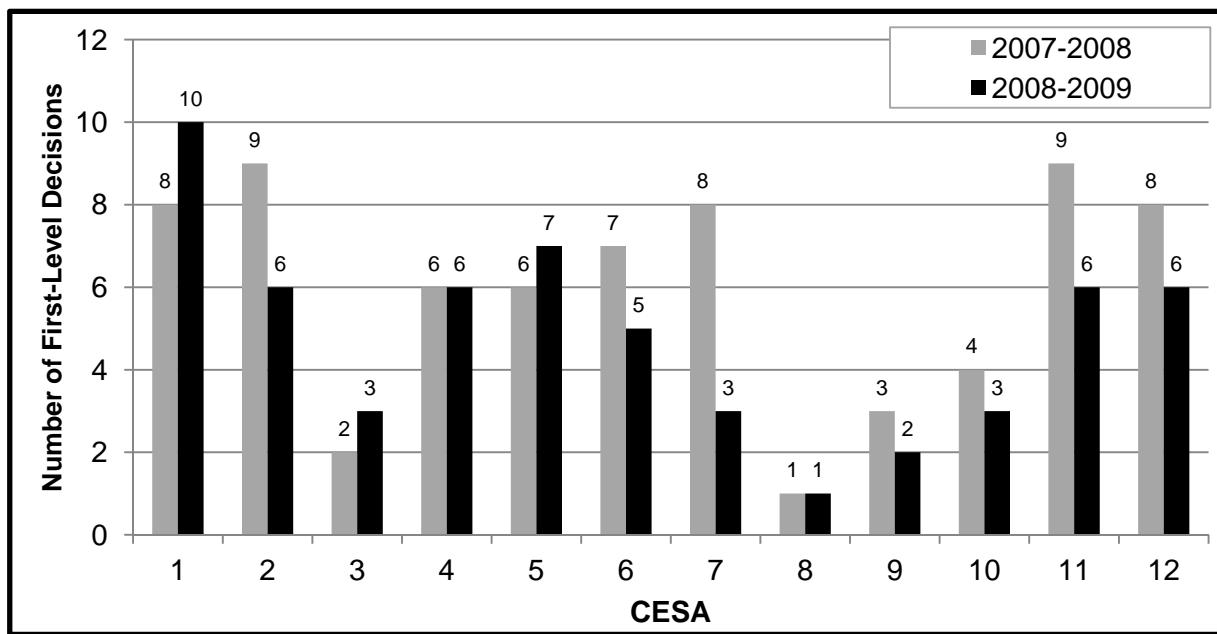
General Survey Information

Most of the survey respondents were district administrators. Three-hundred and twenty survey respondents (71.5 percent) indicated their title as being District Administrator, Superintendent, or Assistant Superintendent. Sixteen survey respondents (3.8 percent) indicated their title as being a director of education programming, such as Director of Learning, Director of Student Achievement, Director of Student Services, Director of Pupil Services, or Director of Instructional Services, among others. Fourteen survey respondents (3.3 percent) indicated they held a position at a school, either as Charter School Director, School Principal, or Assistant Principal. Sixty-four survey respondents (15 percent) indicated their position as Assistant to the Superintendent, Administrative Assistant, or District Secretary. The remaining 12 respondents (2.8 percent) held positions such as Director of Business Services and Director of Alternative Education, among others.

Figure 1 provides a breakdown by CESA, comparing the number of first-level decisions made in the 2007-2008 and the 2008-2009 school years. As shown, the number of charter school petitions increased in CESAs 1, 3, and 5, and remained equal in CESAs 4 and 8. CESAs 2, 6, 7, 9, 10, 11, and 12 experienced a decrease in the number of first-level decisions between the two years.

■ Figure 1

Comparison by CESA – Number of First-Level Decisions on Proposed New Charter Schools during the 2007-2008 and 2008-2009 School Years

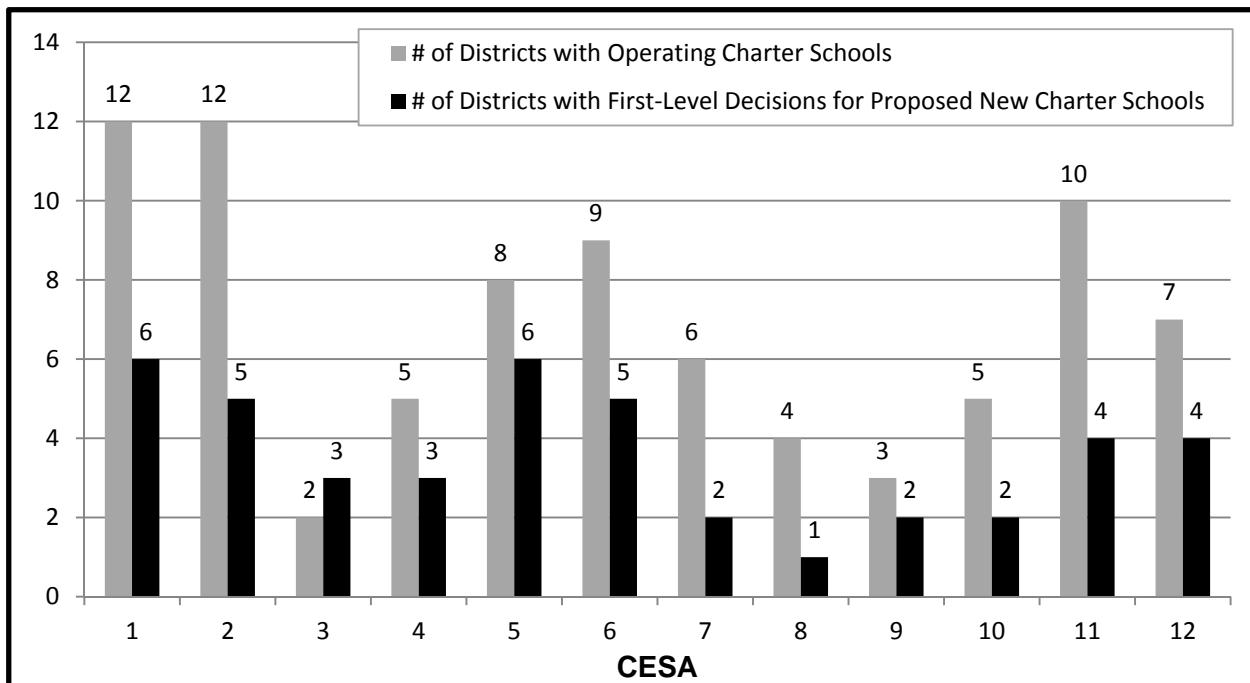


Source: Wisconsin Department of Public Instruction

Figure 2 displays the comparison of the number of districts with operating charter schools to the number of districts with first-level decisions for proposed new petitions for the 2008-2009 school years. Of the 43 districts with first-level decisions, 19 of them (44.2 percent) were currently not operating a charter school, therefore new to the charter school authorization process.

■ Figure 2

Comparison by CESA – The Number of Districts with Operating Charter Schools and the Number of Districts with First-Level Decisions on New Charter Schools in 2008-2009



Source: Wisconsin Department of Public Instruction

First-Level Decisions

Between July 1, 2008 and June 30, 2009, 43 districts (10.1 percent) reported a total of 58 first-level decisions. Districts approved 50 (86.2 percent) of the filed proposals based on the reasons noted in Table 5.

■ Table 5

Reasons for Approval of First-Level Decisions

Reason	Number (n=50)	Percentage
Realizes an alternative vision for schooling	33	66.0%
Increases student achievement	26	52.0%
Increases parent/community involvement	24	48.0%
Attracts students	24	48.0%
Serves a special population	23	46.0%
Participates in a charter school consortium	9	18.0%
Other	4	8.0%

Source: Wisconsin Department of Public Instruction

Note: n= number of approved first-level decisions. Districts could provide more than one reason for approval of one proposal, resulting in the total exceeding 100%.

In 2004, a national report entitled *Evaluation of the Public Charter Schools Program* was issued by the United States Department of Education. This report gathered data from a sampling of charter school authorizers from around the nation. The survey asked the local authorizers, such as school districts, to cite the “very important” reasons for sponsoring a charter school. Seventy-two percent of participating local authorizers noted the most important reason was to “create competition in the school system” (Finnigan et al., 2004).

For Wisconsin local authorizers, the reasons are consistent but slightly different than that of the national survey. The reason most given for approving new proposals by the respondents to our Wisconsin-wide survey was “realizing an alternative vision for schooling” (66.0 percent). This was higher than the national average of 48 percent for “creating alternatives for students and parents” (Finnigan et al., 2004). Wisconsin districts cited increasing student achievement more frequently (52.0 percent) than the national average of “improving public schools” (44 percent). A significant number of districts in Wisconsin (48.0 percent) noted “increasing community involvement” as a reason for approving new petitions. This item was not one of the USDE survey items. Nationally, 46 percent of local authorizers mentioned “keeping students in the public school system” as a very important reason to sponsor charters, whereas 48.0 percent of Wisconsin school boards mentioned attracting students as a reason for approving new proposals (Finnigan et al., 2004). Wisconsin school boards referenced the importance of serving a special population more frequently than the national average, 46 percent compared to 20 percent (Finnigan et al., 2004). Other reasons for the interest in starting charter schools in Wisconsin included: expanding arts and humanities, integrating learning, and improving service.

Seven districts reported a total of eight first-level decision denials. Table 6 below lists the reasons for denial.

■ Table 6

Reasons for Denial of First-Level Decisions

Reason	Number (n=8)	Percentage
Program not unique or innovative	4	50.0%
Lack of teacher, parent, or community support	1	12.5%
Declining enrollment	1	12.5%
Financial reasons	1	12.5%
Liability of district	0	0.0%
Withdrew from multi-district consortium	0	0.0%
Other	2	25.0%

Source: Wisconsin Department of Public Instruction

Note: n=number of first-level decisions that were denied. Districts could provide more than one reason for denial of one proposal, resulting in the total exceeding 100%.

Second-Level Decisions

After the first-level approval, proposals must pass a second-level of approval before a charter school can be established. Between July 1, 2008 and June 30, 2009, 30 (7 percent) of Wisconsin school districts reported making 53 second-level decisions. Forty-four were approved, and nine were denied. Districts who reported second-level decision approval did so for a variety of reasons, noted in Table 7.

■ Table 7

Reasons for Approval of Second-Level Decisions

Reason	Number (n=44)	Percentage
Realizes an alternative vision for schooling	26	59.1%
Increases student achievement	20	45.5%
Serves a special population	17	38.6%
Attracts students	16	36.4%
Increases parent/community involvement	15	34.1%
Participates in a charter school consortium	9	20.5%
Other	0	0.0%

Source: Wisconsin Department of Public Instruction

Note: N=number of approved second-level decisions. Districts could provide more than one reason for approval of one proposal, resulting in the total exceeding 100%.

The reasons respondents provided for approving second-level decisions are consistent with the reasons provided for approving first-level decisions. Mirroring those reasons most frequently cited at the first-level decision, realizing an alternative vision for schooling (59.1 percent) and increasing student achievement (45.5 percent) were the top two reasons cited for approval of second-level decisions. Serving a special population (38.6 percent), attracting students (36.4 percent), and increasing parent/community involvement (34.1 percent) were also significant.

Two districts reported a denial of nine second-level decisions. The reasons for denial are noted in Table 8 below.

■ Table 8

Reasons for Denial of Second-Level Decisions

Reason	Number (n=9)	Percentage
Declining enrollment	2	22.2%
Financial reasons	2	22.2%
Program not unique or innovative	1	11.1%
Lack of teacher, parent, or community support	1	11.1%
Liability of district	0	0.0%
Withdrew from multi-district consortium	0	0.0%
Other	0	0.0%

Source: Wisconsin Department of Public Instruction

Note: N=number of second-level decisions that were denied. Districts could mark down one reason for denial of multiple proposals, which could result in the total not equaling 100%.

Source of Petitions and Proposals

A majority of charter school proposals came from school administrators, district superintendents, and teachers. The three districts who noted “other” indicated that the school board, the charter school governance board, and a student were the source of new charter proposals.

■ Table 9

Source of Charter School Petitions and Proposals

Source	Number (n=48)	Percentage
School Administration	34	70.8%
District Superintendent	25	52.1%
Teachers	22	45.8%
Parents	19	39.6%
Community (not-for-profit)	9	18.8%
CESA	5	10.4%
Business (for-profit)	2	4.2%
Other	3	6.3%

Source: Wisconsin Department of Public Instruction

Note: N=number of districts who reported the source of the charter school petition or proposal. Districts could report more than one source which results in the total exceeding 100%.

Planning Group Participants

Survey results indicate that school administrators, teachers, and parents made up the majority of charter school planning groups during the 2008-2009 school year, while district superintendents and the larger community were close behind. The eight districts that noted “other” indicated that their planning boards included other school districts, social services professionals, an assistant superintendent, university faculty, consortium staff members, school board members, a student, and members of a charter school’s governance board.

■ Table 10

Charter School Planning Group Members

Source	Number (n=46)	Percentage
School Administration	41	89.1%
Teachers	35	76.1%
Parents	33	71.7%
District Superintendent	27	58.7%
Community (not-for-profit)	27	58.7%
CESA	12	26.1%
Business (for-profit)	5	10.9%
Other	8	17.4%

Source: Wisconsin Department of Public Instruction

Note: N=number of districts who reported the planning group members. Districts could report more than one member of the planning group which results in the total exceeding 100%.

Comments

Approximately 15 percent of respondents provided substantive comments about charter schools in general or the Wisconsin Charter School Program specifically and covered topics ranging from the usefulness of charter schools to the need for more accountability and oversight of charter schools.

More than two-thirds of the comments praised charter schools because of their flexibility, educational opportunities for students, and their successes. Many of the comments specifically noted how charter schools provide an excellent alternative to support hard-to-reach students and have raised student achievement in their districts. For example, one respondent wrote, “Without this charter, 20+ students in rural Wisconsin would not have graduated. Most of the graduates are first in their families to complete school with a high school diploma.” More than 20 respondents indicated that they will be opening a charter school in their district in the near future or are currently exploring the idea. Unfortunately, some districts noted that they are interested in the possibility of charter schools but are unable to explore the charter school option further because the districts are either too small or are dealing with district-level constraints.

Less than one-third of the submitted comments expressed concerns about charter schools or the Wisconsin Charter School Program. Some respondents worry about the sustainability of promising charter school models, particularly given the unstable economy. Others believe that

charter schools are separating students and are becoming elitist. Some respondents believe that the money spent on charter schools should be used to enhance education for all students and not for the select few who choose to attend these schools. Several other respondents added further that charter schools are receiving unfair advantages.

Overall, responses indicated the need to disseminate more information about the purpose and benefits of charter schools.

Status of Charter Schools and Federal Grants

A total of 25 grant applications for start-up funds (thirteen planning, four initial implementation, eight implementation renewals) were submitted to the DPI during the 2008-2009 school year. All but four grant applications were funded. A listing of the districts and schools, the type of federal charter school grant application submitted to the DPI during the 2008-2009 school year, the status of the application as funded or not funded, and school status as of September 2009 is provided below in [Table 11](#).

■ Table 11

The DPI Action on Grant Applications Submitted April 2009

Authorizer Name	School Name	Grant Type	Funding Status	Date Signed by School Board	School Status as of 9/1/2009
Appleton Area School District	Fox River Academy	Dissemination	Funded	4/11/2009	Open 2005
Appleton Area School District	United Public Montessori	Planning	Funded	4/14/2009	Planning
Appleton Area School District	Valley New School	Dissemination Renewal	Funded	4/11/2009	Open 2003
Birchwood School District	Birchwood Blue Hills Charter School	Initial Implementation	Funded	4/10/2009	Open 2009
Black River Falls School District	Black River Area Green School (BRAGS)	Initial Implementation	Funded	4/13/2009	Open 2009
Green Lake School District	Green Lake Global and Environmental Learning Community	Implementation Renewal	Funded	4/14/2009	Open 2008
Greendale School District	School of Health Professions	Planning	Not Funded	4/15/2009	Not Open
Hartland Lakeside School District	Green LIFE Charter School	Planning	Funded	4/8/2009	Planning
Hartland Lakeside School District	Hartland School of Community Learning	Planning	Funded	4/9/2009	Planning
Highland School District	Highland Community Renewable Energy Leadership Academy (HCRELA)	Planning	Funded	4/8/2009	Planning
Kiel School District	Meeme LEADS Charter School	Dissemination	Funded	3/30/2009	Open 2005
McFarland School District	Wisconsin Virtual Academy	Initial Implementation	Not Funded	4/9/2009	Open 2009
Milwaukee Public Schools	Audubon Technology and Communication Center High School	Implementation Renewal	Funded	4/9/2009	Open 2008

Milwaukee Public Schools	Hawley Environmental School	Planning	Funded	4/9/2009	Planning
Milwaukee Public Schools	Honey Creek Continuous Progress School	Dissemination	Funded-Withdrew	3/27/2009	Open 2005
Milwaukee Public Schools	International Peace Academy High School	Implementation Renewal	Funded	4/9/2009	Open 2008
Milwaukee Public Schools	Milwaukee Learning Laboratory and Institute	Dissemination	Funded	4/9/2009	Open 2005
Milwaukee Public Schools	WORK (Where Opportunities Require Knowledge) Institute	Implementation Renewal	Funded	4/9/2009	Open 2007
Minocqua J1 School District	Woodland Progressive School for 21st Century Citizens	Planning	Funded	4/13/2009	Planning
Montello School District	High Marq Environmental Charter School	Planning	Funded	4/13/2009	Planning
Nekoosa School District	Niikuusra Community School	Implementation Renewal	Funded	4/13/2009	Open 2009
New Richmond School District	New Richmond Community Charter	Planning	Not Funded	4/14/2009	Not Open
Ripon School District	Crossroads Charter School	Implementation Renewal	Funded	4/9/2009	Open 2008
Ripon School District	Quest Charter School	Planning	Funded	4/3/2009	Planning
Riverdale School District	Riverdale Vocational Charter School	Planning	Not Funded	4/13/2009	Not Open
Sauk Prairie School District	Merrimac Community Charter School	Dissemination	Not Funded	4/13/2009	Open 2006
Stevens Point Area School District	Roosevelt IDEA School	Dissemination Renewal	Funded	4/3/2009	Open 2004
UW-Milwaukee	Milwaukee College Preparatory School	Dissemination	Funded	4/14/2009	Open 2002
Waukesha School District	Waukesha STEM Academy	Planning	Funded	4/1/2009	Planning
Wausau School District	Wausau Engineering and Global Leadership Academy	Planning	Funded	3/19/2009	Planning
Wauwatosa School District	Tosa School of the Trades	Initial Implementation	Funded	3/23/2009	Open 2009
Wisconsin Rapids School District	Mead Elementary School	Implementation Renewal	Funded	4/13/2009	Open 2008
Wisconsin Rapids School District	Vesper Community Academy	Implementation Renewal	Funded	4/6/2009	Open 2008

Source: Wisconsin Department of Public Instruction

During the 2008-2009 school year, 85 school districts, three CESAs, and the Oneida Nation participated in a multi-partner charter school initiative during the 2008-2009 school year. A list of the sponsor districts and the consortium partners is below in Table 12.

■ Table 12

School Districts Engaged in Multi-District/Partner Charter Activity

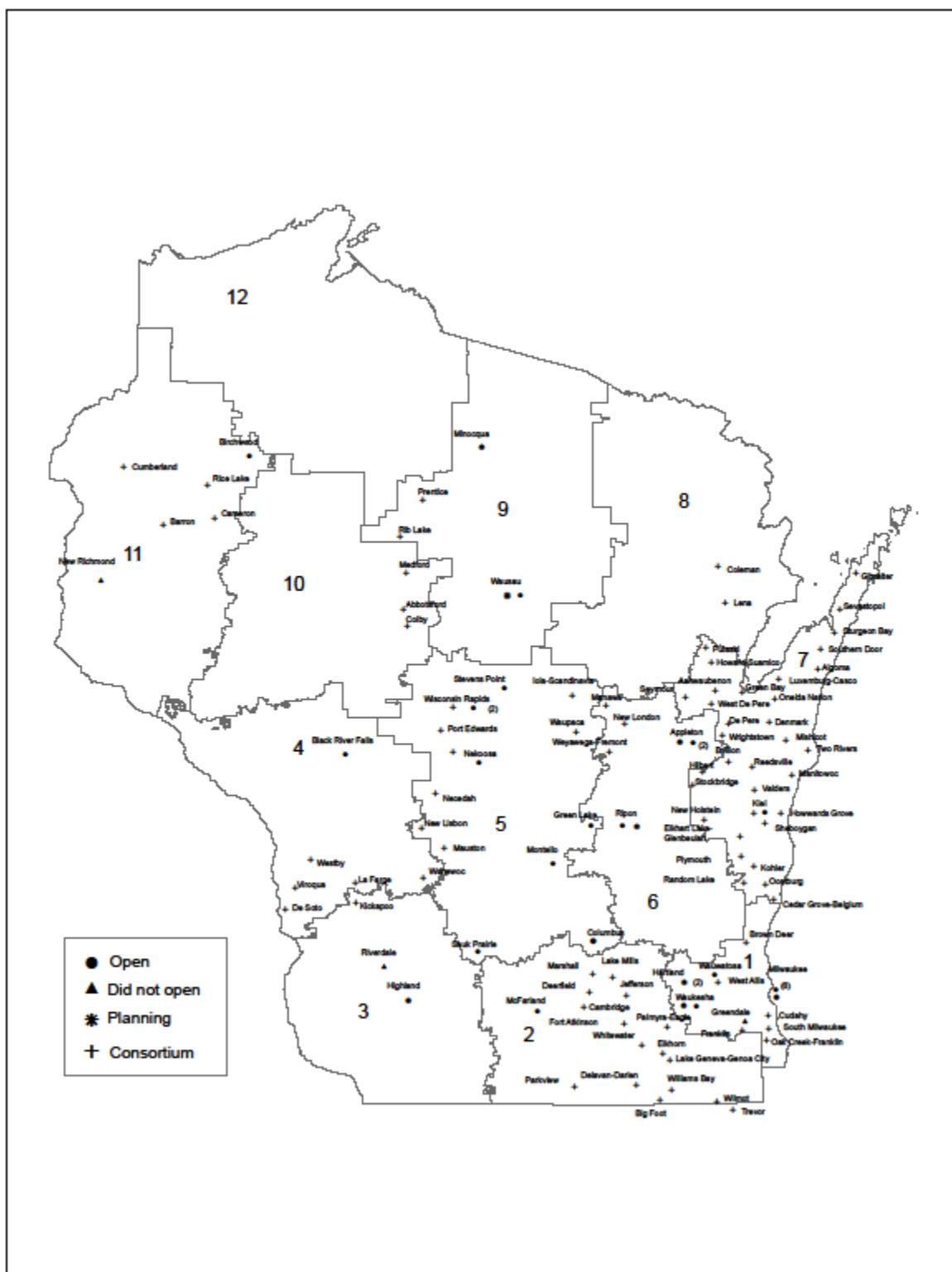
Sponsor District	Consortium Partners
Cambridge School District	Deerfield Community School District Fort Atkinson School District Jefferson School District Lake Mills Area School District Marshall School District Palmyra-Eagle Area School District Parkview School District Whitewater School District
Elkhorn Area School District	Big Foot UHS School District Delavan-Darien School District Lake Geneva-Genoa City UHS School District Williams Bay School District
Kohler School District	Algoma School District Ashwaubenon School District Cedar Grove-Belgium Area School District CESA 7 De Pere School District Denmark School District Elkhart Lake-Glenbeulah School District Green Bay Area School District Hilbert School District Howards Grove School District Howards-Suamico School District Luxemburg-Casco School District Manitowoc School District Mishicot School District New Holstein School District Oneida Nation Oostburg School District Plymouth School District Pulaski Community School District Random Lake School District Reedsville School District Sebastopol School District Seymour Community School District Sheboygan Area School District Southern Door County School District Stockbridge School District Sturgeon Bay School District Two Rivers School District West De Pere School District
Lena School District	Coleman School District
Manitowoc School District	Kiel Area School District Mishicot School District Reedsville School District Two Rivers School District Valders Area School District
Medford Area School District	Abbotsford School District Colby School District Prentice School District Rib Lake School District

New Lisbon School District	CESA 5 Mauston School District Necedah Area School District Wonewoc-Union Center School District
Oak Creek-Franklin School District	Cudahy School District South Milwaukee School District
Rice Lake Area School District	Barron Area School District Cameron School District Cumberland School District
Trevor-Wilmot Consolidated School District	Trevor-Wilmot Consolidated School District
Viroqua Area School District	De Soto Area School District Kickapoo Area School District La Farge School District Westby Area School District
West Allis School District	Brown Deer School District Cudahy School District Franklin Public School District South Milwaukee School District
Weyauwega-Fremont School District	CESA 6 Iola-Scandinavia School District Manawa School District New London School District Waupaca School District
Wisconsin Rapids School District	Nekoosa School District Port Edwards School District

Source: Wisconsin Department of Public Instruction

The following map (Figure 3) depicts the federal charter school grant activity across the state, translating Table 11 onto a map to give a visual representation of the charter school grant activity across Wisconsin.

■ Figure 3
Statewide Charter School Petition Activity Map for 2008-2009



Source: Wisconsin Department of Public Instruction

Conclusion

The federal government, through its annual appropriations to the Charter School Program, has demonstrated its commitment to providing choice and options for parents of children attending public schools in the United States. Wisconsin has been one of the foremost states in cultivating an environment that fosters innovation in education through charter schools. The amount of new charter school activity during the 2008-2009 school year provides evidence that districts throughout the state support innovation in education and are exploring how and to what extent charter schools can provide quality options to parents and students in their districts. The Wisconsin Charter School Program continues to support high quality charter schools through its rigorous grant review process by promoting high standards for new and continuing charter schools.

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- National Alliance for Public Charter Schools (2010). *Public Charter School Dashboard 2008-2009*. Washington, DC: National Alliance for Public Charter Schools. Available at: <http://www.publiccharters.org/dashboard/home>
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- United States Department of Education (2009). Charter School Program: Funding Status. Available at <http://www2.ed.gov/programs/charter/funding.html>.

Appendix A



Wisconsin Department of Public Instruction Charter School Contract Reviewer Benchmarks

School District/Chartering Authority Name	Charter School Name	
General Information	Rating	
	Present	Absent
Indicates name of the person seeking to establish the charter school. §118.40(1m)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
Indicates name of the person who will be in charge of the charter school. §118.40(1m)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Describes the manner in which administrative services will be provided. §118.40(1m)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Identifies the status of the school as a non-instrumentality or instrumentality of the school district. §118.40(7)(a)	<input type="checkbox"/>	<input type="checkbox"/>
Charter School Program Description <i>Well organized description of school.</i>	Present	Absent
	Present	Absent
Describes the charter school educational program offered and students served. §118.40(1m)(b)3	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method used to enable pupils to attain educational goals under Wisconsin Statutes 118.01. §118.40(1m)(b)4	<input type="checkbox"/>	<input type="checkbox"/>
Describes the method by which evidence of student achievement or progress in attaining academic skills and knowledge will be measured. §118.40(1m)(b)5	<input type="checkbox"/>	<input type="checkbox"/>
Governance/Structure	Present	Absent
	Present	Absent
Describes how the school will be governed, including method to be followed to ensure parental involvement. §118.40(1m)(b)6	<input type="checkbox"/>	<input type="checkbox"/>
Includes methods employed to review qualifications that must be met by individuals employed by the school, assuring that every teacher, supervisor, administrator or professional staff member holds a certificate, permit or license issued by the department before entering duties for such a position [Wisconsin Statutes 118.19(10 and 121.02(1)(a)2.] §118.40(1m)(b)7	<input type="checkbox"/>	<input type="checkbox"/>
Provides procedures by which the school will follow to ensure the health and safety of the pupils. §118.40(1m)(b)8	<input type="checkbox"/>	<input type="checkbox"/>
Provides the procedures used to achieve a racial and ethnic balance among its pupils that is reflective of the school district population. §118.40(1m)(b)9	<input type="checkbox"/>	<input type="checkbox"/>
Provides the requirements for admission to the school. §118.40(1m)(b)10	<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. §5210(1)(h) of the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act of 2001	<input type="checkbox"/>	<input type="checkbox"/>
Describes the level of autonomy afforded the charter school relative to policy and budget development, staffing and evaluation. §5210(1)(a) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>

Criteria	Present	Absent
Describes the procedures by which students will be disciplined. §118.40(1m)(b)12	<input type="checkbox"/>	<input type="checkbox"/>
Identifies the public school alternatives for pupils who reside in the school district and do not wish to attend or are not admitted to the charter school. §118.40(1m)(b)13	<input type="checkbox"/>	<input type="checkbox"/>
Indicates how the program and attendance at the charter school is voluntary. §118.40(6)	<input type="checkbox"/>	<input type="checkbox"/>
Clearly states that the charter school does not charge tuition. §118.40(4)(b)1	<input type="checkbox"/>	<input type="checkbox"/>
Financial/Operational Criteria	Present	Absent
Describes the manner in which annual audits of the financial and programmatic operations of the school will be performed. §118.40(1m)(b)11	<input type="checkbox"/>	<input type="checkbox"/>
Provides a description of the facilities and the types and limits of the liability insurance that the school will carry. §118.40(1m)(b)14	<input type="checkbox"/>	<input type="checkbox"/>
Describes the effects of the establishment of the charter school on the liability of the school district and the effect of the establishment of the charter school on the liability of the contracting entity. §118.40(1m)(b)15	<input type="checkbox"/>	<input type="checkbox"/>
The contract specifies the amount to be paid to the charter school each year of the contract. §118.40(3)(b)	<input type="checkbox"/>	<input type="checkbox"/>
Contract addresses how the school district will allocate federal funding for which the charter school is eligible. §5203(b)(2) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Describes a program which is nonsectarian in its practices, programs, admission policies, employment practices and all other operations. §118.40(4)(a)2	<input type="checkbox"/>	<input type="checkbox"/>
Includes a nondiscrimination clause stating the charter school will not deny admission or participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. §118.40(4)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
Addresses the procedures or reasons by which either party may withdraw or revoke the contract. §118.40(5)	<input type="checkbox"/>	<input type="checkbox"/>
Describes or identifies any waivers of school district policy agreed to by the authorizer and the operator of the charter school. §5210(1)A of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Specifies any administrative fee paid to the authorizer and agreed to by the authorizer and the operator of the charter school. §5204(f)(4)(B) of the ESEA	<input type="checkbox"/>	<input type="checkbox"/>
Other	Present	Absent
The length of the contract is specified, not to exceed 5 years. §118.40(3)(b)	<input type="checkbox"/>	<input type="checkbox"/>
The contract is dated and signatures of the authorizer and the operator of the charter school are provided. §118.40(3)(a)	<input type="checkbox"/>	<input type="checkbox"/>
Describes the effect of the establishment of the charter school on the liability of the authorizer where the authorizer is not a school district. §118.40(2r)(b)2	<input type="checkbox"/>	<input type="checkbox"/>
If the charter school replaces a public school in whole or part, describes how it will give preference in admission to any pupil who resides in the attendance area or the former attendance area of that public school. §118.40(4)(a)1	<input type="checkbox"/>	<input type="checkbox"/>
By September 1, 2004 operators of high school grades describe policy specifying criteria for granting high school diploma. §118.33(1)(f)2	<input type="checkbox"/>	<input type="checkbox"/>
Describes manner of transportation, if provided, to and from the charter school. (<i>Note—school districts are not required to provide transportation to charter schools.</i>)	<input type="checkbox"/>	<input type="checkbox"/>

Appendix B



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

June 15, 2009

Dear District Administrator:

State law requires the Department of Public Instruction to report annually to the legislature the status of existing charter schools, the number of petitions for new charter schools, as well as any school board or departmental action taken on petitions for new charter schools.

In compliance with this requirement, the department has developed an electronic survey to gather necessary data to include in our report to the legislature. Most of you should be able to finish the survey in less than five minutes. This survey can be accessed via the following web address:
<https://www2.dpi.wi.gov/sms-css/home.do>. Please note that the survey cannot be accessed through the Department of Public Instruction website.

Your password, which is case sensitive, is **wr2880**.

The information requested in the survey specifically complies with s. 115.28 (49), Wis. Stats., and corresponds to charter activity between July 1, 2008, and June 30, 2009. Thank you for a one-hundred percent response rate last year and for your feedback regarding survey improvement.

All districts are asked to complete and submit the survey electronically no later than July 20, 2009. If you have questions regarding the survey, you may contact Robyn Fennig at robyn.fennig@dpi.wi.gov or Latoya Holiday at latoya.holiday@dpi.wi.gov. Your timely completion of the survey is greatly appreciated.

Sincerely,

Elizabeth Burmaster
State Superintendent

EB: rmf

Appendix C

School Management Services

Charter School Proposal Report 2008-2009

School District (0000)

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

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.

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

Please respond to the questions below regarding approval or denial for each proposal filed, and select a reason(s) for approval or denial for each proposal filed. If multiple proposals have been approved or denied, provide clarification of reasons in the space for comments at the end.

The form seeks information on first and second level decisions on new charter school petitions or proposals within your school district **between July 1, 2008 and June 30, 2009 only.**

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

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

If you have questions while completing the survey or encounter

difficulty when transmitting the survey please contact Latoya Holiday at 608-266-8066 or latoya.holiday@dpi.state.wi.us.

1. District: School District (0000)
CESA: 0
 2. Name of person completing form:
 3. Title of person completing form:
 4. From July 1, 2008 to June 30, 2009 how many first level decisions were made by the district? First level decisions are defined as a concept approval for the purposes of further study, participation in a consortium or a signed charter school planning grant.

Note: If your district did NOT have any charter school activity between the dates above, please enter "0" and go to question 16.
 5. Number of approved 1st level decisions:
 6. If applicable, reason(s) for approving first level decisions (Select all that apply):
 - a. Serves a special population
 - b. Increases student achievement
 - c. Increases parent/community involvement
 - d. Attracts students
 - e. Realizes an alternative vision for schooling
 - f. Participates in a charter school consortium
If so, list the districts in the consortium:
 - g. Other

7. Number of denied 1st level decisions:

8. If applicable, reason(s) for denying proposals (Select all that apply):

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

If so, list the districts in the consortium:

9. From July 1, 2008 to June 30, 2009 how many second level decisions were made by the district? Second level decisions are defined as an approved charter contract, a written agreement to participate in a consortium or a signature on a charter school implementation grant.

10. Number of approved 2nd level decisions:

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

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

If so, list the districts in the consortium:

12. Number of denied 2nd level decisions:

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

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

If so, list the districts in the consortium:

 g. Other

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

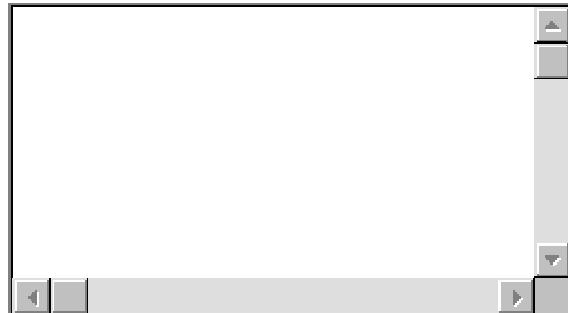
- a. District Superintendent
- b. School Administration (principal, curriculum director, etc.)
- c. CESA
- d. Teachers
- e. Parents
- f. Community (Not for Profit)
- g. Business For Profit
- h. Other

15. Identify members of the planning group (Select all that apply):

- a. District Superintendent
- b. School Administration (principal, curriculum director, etc.)
- c. CESA
- d. Teachers
- e. Parents
- f. Community (Not for Profit)
- g. Business For Profit

h. Other

16. Open comments about charters or the Wisconsin Charter School Program:



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Copyright: State of Wisconsin [Department of Public Instruction](#)