

Public and Private Schools in Wisconsin

The main differences between public and private schools are authority, funding, governance and independence. However, recent statutes have created or allowed entities that have some characteristics of both public and private schools.

Public Schools in Wisconsin

Wisconsin's Constitution requires the legislature to provide by law for public schools that are free to all pupils who are ages 4 through 20.

Public schools:

- Created or provided for by the legislature as required in the state constitution.
- Operated in accordance with statutes enacted by the legislature, and have only those powers enumerated in state law.
- Controlled by a unit of government (most often a locally elected school board, but there are some exceptions, see "Other types of public schools in Wisconsin" below) either directly or, in the case of charter schools, through a contract with a third-party.
- Funded with public money, primarily a combination of state aids and local property taxes.
- Must be nonsectarian and must adhere to all state and federal nondiscrimination laws.
- May not be selective in admissions criteria.
- Must provide special education to pupils with disabilities.

Traditional public schools:

- Governed directly by a locally elected school board.
- Must enroll all pupils who reside in the school district.
- Must participate in the state's public school open enrollment program and admit all applicants from another district if space is available.
- Usually located in a physical building where pupils attend school daily.
- Are subject to all laws established by the legislature for public schools, including state standards, such as days of attendance, hours of instruction, requirement to employ certified teachers and requirement to participate in all state assessments.

Charter schools are public schools:

- Created and authorized through a contract (charter) between the locally elected school board (authorizer) and a charter school operator, such as a corporation or a group of teachers or parents.
- School boards determine whether the charter school is an instrumentality of the school district (meaning the district employs all personnel) or a noninstrumentality of the school district (meaning the personnel are considered employees of the charter school.)
- Other organizations permitted to create and authorize charter schools are the City of Milwaukee, UW-Milwaukee, Milwaukee Area Technical College and UW-Parkside in Racine. These schools are sometimes referred to as "2r" charters for the statutory authority under sec. 118.40(2r), Wis. Stats.
- Governed by a charter school governing board which must be authorized to act independently of the authorizer, but in accordance with the terms of the charter.
- Exempt from a number of state laws that apply to traditional schools, including days of attendance and hours of instruction. Are subject only to laws that apply specifically to charter schools, including certified teachers and participation in state assessments.
- Virtual charter schools are charter schools in which all or part of the instruction is delivered by means of the internet and the teachers and pupils are geographically remote from each other. Whereas traditional public schools may offer virtual options (classes) for students, schools that are totally online/virtual are charter schools.

Other types of public schools in Wisconsin:

- Wisconsin Center for the Blind and Visually Impaired and Wisconsin School for the Deaf and Hard of Hearing, which are operated by the Department of Public Instruction.
- County children with disabilities education boards, which are operated by counties.

- Tribal schools, which are operated by tribal governments. Tribal schools are not created by the state and are not subject to state laws.
- Department of Corrections provides public school options for incarcerated youth.

Private Schools:

Private schools are created by private organizations or individuals, rather than by the government.

Private schools:

- Are created and controlled by private entities, such as corporations, individuals, profit or non-profit businesses or organizations, including churches.
- May or may not be governed by a governance board.
- Are supported by private funds, including tuition from parents, funding from the controlling entity such as a parish, and/or donations.
- Have no limitations on establishing admission criteria. Are not required to adhere to federal or state anti-discrimination laws. Are not required to provide special education.
- May be sectarian.
- Except for health and safety laws, are not subject to any of the education laws that apply to public schools, including certification of teachers, days of attendance and participation in state assessments.
- Must certify to the state that the school provides at least 875 hours of instruction in certain core subjects. However, the state does not have any authority to require the school to provide proof of such instruction.

Voucher schools (sometimes referred to as School Choice):

- Voucher schools are private schools that agree to be subject to certain state laws in exchange for receiving state aid payments (referred to as vouchers) for pupils enrolled.
- Voucher schools may be supported by a combination of public and private funds. A majority of the private voucher schools receive a majority of their funds from the state. Current state law allows for a school's enrollment to consist entirely of pupils receiving state aid (vouchers.)
- For each eligible pupil, the state provides a direct state aid payment to the private school. The parent never receives a voucher directly from the state.
- The state sets criteria for eligible schools. Although the private schools continue to be privately controlled and governed, participating private schools must comply with certain statutory requirements, including financial accountability, educational requirements for teachers (though not certification), accreditation and participation in state assessments.
- The state sets eligibility criteria for pupils, which include residence in a particular school district and income limits. The private schools may not establish additional selection criteria to be eligible for a voucher and are required to adhere to federal and state anti-discrimination laws.
- Although not required to provide special education, they may not deny pupils admittance to the voucher program because the pupil has a disability. However, once accepted as a voucher student at the private school, the school may choose not to educate the child on the first day of attendance if the school does not have the necessary educational program.
- Limited spaces must be filled by random selection.

Home-based private educational programs (home-schooling):

- Are not schools.
- Are operated by parents solely for their own children.
- Must certify to the state that the home-based private educational program provides at least 875 hours of instruction in certain core subjects. However, the state does not have any authority to require the parent to provide proof of such instruction.
- Must certify to the state that the home-based private educational program is not created for the purpose of circumventing compulsory school attendance requirements.
- Receive no public funds.