

Charter Schools



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Charter Schools

The movement for charter schools emerged in the late 1980s as a strategy for education reform. Minnesota initiated the first charter school law in 1991 and California followed suit in 1992. In 1993, Wisconsin was one of six states to pass charter school legislation, enacted as part of the 1993-95 state budget (1993 Act 16). As of 2012, 41 states, the District of Columbia, and Puerto Rico had enacted some type of charter school legislation.

While specific provisions of charter school legislation vary among the states that have enacted it, certain characteristics are generally associated with charter schools. Charter schools are usually exempt from most laws and rules governing traditional public schools. In some cases, charter schools may also be exempt from a sponsoring school district's policies. However, it is generally required that charter schools be free of tuition, be nonsectarian, have nonselective admission policies, and abide by the same health, safety, and nondiscrimination laws that apply to non-charter schools. A public authority or "sponsor," such as a local or state educational agency, usually has oversight or approval responsibilities, but a charter school may be operated by a separate entity such as a corporation or a group of teachers or parents. The school may be legally or fiscally autonomous, or it may remain a part of the school district. The schools are operated under a limited-term contract, or charter, which the sponsoring agency can revoke or not renew upon expiration.

Charter school legislation is intended to accomplish four primary objectives: (a) to encourage the development and implementation of innovative teaching methods through increased flexibility and freedom from regulations; (b) to improve the educational system as a whole by increasing competition for pupils among schools;

(c) to provide increased accountability for accomplishing educational goals; and (d) to offer additional educational options to pupils and parents. However, charter school laws and operations vary widely among states and schools, and research regarding the attainment of these goals has found mixed results.

This paper describes Wisconsin's charter school law and provides information on charter schools in operation in the state.

Wisconsin's Charter School Law

Legislative History

In 1993, the Legislature created the charter school program. Under the original charter school legislation, 1993 Act 16, no more than 20 charter schools could be established statewide, with no more than two schools per district. School boards needed the approval of the State Superintendent of Public Instruction to establish charter schools. In addition, newly approved charter schools were required to show significant progress toward operating by the beginning of the following school year, and if it was determined that such progress was not demonstrated by a district, the State Superintendent could withdraw approval of the charter school.

Under 1995 Act 27, all of the above mentioned restrictions on the number of charter schools and requirements for approval by the State Superintendent were repealed, and a number of additional modifications to the charter school laws were made. Act 27 authorized two or more school boards to enter into a contractual agreement to establish a charter school, locating

the school in just one of the establishing school districts. In addition, school districts were allowed to distribute school funds to charter schools in the same manner used to distribute funds to any school in the district. As a result, per pupil spending for charter school pupils, may be more, less, or the same as spending for non-charter school pupils.

In addition, under 1995 Act 27, a number of exemptions and special provisions applicable only to Milwaukee Public Schools (MPS) were created. Specifically, as enacted under Act 27, the MPS School Board is required to grant or deny a charter school petition within 30 days after a public hearing. If the school board denies the petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the decision to the Department of Public Instruction (DPI). The Department must issue a decision within 30 days after receiving the appeal. This decision is final and not subject to judicial review. Act 27 also provided that private schools can be converted to public charter schools within MPS. In addition, Act 27 provided that charter schools created within MPS were not to be considered instrumentalities of MPS and personnel employed by these charter schools were not to be considered employees of MPS. Lastly, a provision was included that specified that reassignment of MPS employees, with or without regard to seniority, as a result of MPS contracting for the operation of a charter school or converting a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment cannot be the subject of collective bargaining between the school district and any collective bargaining unit. This specific limitation on collective bargaining was eliminated in 2011 Act 10, which more generally made any factor or condition of employment, except base wages, a prohibited subject of collective bargaining.

Under 1997 Act 27, authority was provided to the City of Milwaukee, the University of Wis-

consin-Milwaukee (UWM) and the Milwaukee Area Technical College (MATC) to create charter schools within MPS.

Further changes to the laws governing charter schools were made in 1997 Act 238. Act 238 provided that: (a) school boards are required to consider the fiscal effect on the district before establishing a charter school; (b) districts may contract with a cooperative educational service agency to establish a charter school; (c) school districts statewide may convert private nonsectarian schools to charter schools; and (d) generally, school districts statewide are given the authority to determine whether or not staff at charter schools are school district employees.

Under 1999 Act 9, the state aid reduction associated with charter schools operated by the City of Milwaukee, UWM, or MATC was changed. The aid reduction was modified so that it no longer applied solely to MPS; instead, a uniform percentage reduction was made in the general school aids received by all school districts. In addition, the treatment of pupils attending these schools was modified for state aid and revenue limit purposes, so that MPS no longer includes these pupils under either general school aids or revenue limits. Act 9 also specified that the operator of these schools would be considered to be the local education agency (LEA), unless the MPS Board would agree with the operator to serve as the LEA for federal special education requirements. In addition, Act 9 made these charter schools eligible for state special education aid if they provide such services. Finally, Act 9 required each operator of Milwaukee charter schools to adopt pupil academic standards.

Under 2001 Act 16, the Milwaukee charter school program was expanded to allow the University of Wisconsin-Parkside to establish or contract to establish a charter school on a pilot basis, with a maximum of 400 pupils, which was increased to 480 pupils in 2005 Act 111. This

school was established in the Racine Unified School District.

Under 2007 Act 222, virtual charter schools were defined in statute and regulated within the laws governing charter schools and the interdistrict open enrollment program. Because such schools were already operating in Wisconsin, Act 222 largely codified current practices, added some requirements, and imposed a limit on participation in such schools via the open enrollment program.

Also, under Act 222 the State Superintendent was required to establish a statewide web academy to make online courses available for a reasonable fee to school districts, CESAs, and charter and private schools in the state.

Under 2009 Act 28, school districts were authorized to contract with federally recognized American Indian tribes to operate charter schools. Such a school must be located within the chartering school district or within the boundaries of the tribe's reservation.

The sections that follow describe current charter school law as it applies to: (a) local school boards; (b) virtual charter schools; (c) the City of Milwaukee, UWM and MATC; and (d) UW-Parkside.

Local School Board Provisions

Methods of Establishment. An unlimited number of charter schools may be formed in the state. There are two methods under which local school boards may authorize charter schools.

First, a school board may, on its own initiative, contract with a person to operate a school as a charter school. Under this process, a board may convert all of the district's schools to charter schools as long as the board provides alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a

charter school. At least 30 days before entering 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 board must hold a public hearing on the contract. At the hearing, the board must consider employee and parental support for the charter school and the fiscal impact of the charter school on the district.

Second, a school board may authorize the establishment of a charter school upon receipt and approval of a written petition requesting the board to do so. The petition must be signed by at least 10% of the teachers employed by the district or by at least 50% of the teachers employed at one school in the district. The board must hold a public hearing within 30 days of receiving the petition. At the hearing, the board must consider the level of employee and parental support for the school and the fiscal impact of the charter school on the district. After the hearing, the board may grant the petition.

If the petition process is used, a school board may convert all of the district's schools to charter schools as long as the school board abides by the following two additional requirements: (a) the petition must be signed by at least 50% of the district's teachers; and (b) the school board must provide alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a charter school.

In awarding charter school contracts, school boards are required to give preference to charter schools that serve children-at-risk.

The MPS Board is required to grant or deny a charter school petition within 30 days after a public hearing. If the school board denies the petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the decision to DPI. The Department must issue a decision within 30 days after receiving the appeal. This decision is final and not subject to judicial

review.

State Notification. A school district must notify DPI of its intention to create a charter school and include a description of the proposed school in the notice. The Department does not have the authority to approve or deny charter school requests.

Legal Status of a Charter School. The law specifies, with one exception, that the school board of the school district in which a charter school is located determines whether or not the charter school is an instrumentality of the district. If the board determines that the charter school is an instrumentality of the district, the board must employ all personnel for the charter school. If the board decides the charter school is not an instrumentality of the district, the board cannot employ any personnel for the charter school. The exception to this provision provides that a private school located in the MPS district which is converted to a charter school is not an instrumentality of MPS; therefore, MPS cannot employ any personnel for such a charter school.

Charter School Restrictions. A charter school cannot: (a) be a converted private sectarian school; or (b) charge tuition. A charter school must be nonsectarian in its programs, admission policies, employment practices and all other operations.

Charter schools are also prohibited from discriminating in admission or denying 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. However, under 2005 Act 346, a school board may enter into a contract for the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board makes available to the opposite sex, under the same policies and criteria of admission, comparable schools or courses. Charter schools are subject to all federal

laws governing education, including the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act.

Pupil Rights. No pupil may be required to attend a charter school without the approval of his or her parents or legal guardian, or the pupil's approval if the pupil is an adult. In addition, if a charter school replaces a public school, in whole or in part, the school must give preference in admission to any pupil residing within the current or former attendance area of that public school.

Charter School Requirements. A charter school is not subject to the provisions of Chapters 115 through 121 of the Wisconsin Statutes, which are generally the provisions that govern elementary and secondary education, except for the following requirements to:

- a. Administer state standardized pupil assessments to 3rd through 8th grade pupils and to 10th grade pupils, and adopt pupil academic standards in mathematics, science, reading and writing, geography, and history.
- b. Develop and enforce a policy specifying criteria for promoting a pupil from 4th grade to 5th grade, from 8th grade to 9th grade, and for granting a high school diploma. A charter school cannot promote a pupil from 4th to 5th grade or from 8th grade to 9th grade unless the pupil satisfies the promotion criteria, and cannot grant a high school diploma unless the pupil has satisfied these criteria.
- c. Be included in a school district's annual school performance report.
- d. Ensure that all of the school's instructional staff hold a license or permit to teach issued by DPI.

The Department has promulgated an administrative rule defining "instructional staff" to mean all professional employees who have direct con-

tact with students or with the instructional program of the school, including teachers, librarians, pupil services staff and administrative staff who supervise licensed staff.

In addition, DPI has established, by rule, a special charter school instructional staff license and permit. A charter school instructional license may be issued to an individual who holds a valid Wisconsin teaching license issued by DPI to teach a subject outside his or her teaching license. However, an individual assigned to teach a core academic subject in a charter school must hold a valid license and have done one of the following: (a) completed a major or minor in the assigned core academic subject; (b) successfully passed a content knowledge exam prescribed by DPI in the core academic subject; or (c) demonstrated knowledge and competence in the assigned core academic subject based on an assessment process approved by DPI. A charter school instructional staff license has the same renewal interval and requirements as an individual's existing license. The district administrator of the employing school district or charter school may request that a license be issued to individual if he or she volunteers for the assignment and submits a completed application to DPI, stating his or her qualifications for the license.

An individual who has not completed an approved teacher education program may be employed as a teacher in a charter school if he or she obtains a charter school instructional permit. A one-year, renewable permit may be issued if all of the following apply: (a) an administrator of the employing school district or charter school requests the permit, following a search for qualified, licensed teacher; (b) the individual receiving the permit has a bachelor's degree in the subject that he or she is assigned to teach, or in a related field, or has formal proof of mastery in a trade that he or she is assigned to teach; (c) the individual completes 6 credits of training or the equivalent coursework, as part of an approved license program in the assigned teaching assignment, each

school year that he or she is employed in a charter school; (d) an individual is exempt from the 6 credit requirement if he or she holds a terminal degree in his or her field and has a teaching assignment at an accredited Wisconsin postsecondary institution, or has formal proof of mastery in a trade and has a teaching assignment at a Wisconsin technical college; and (e) the individual's practice is coordinated, directed and inspected by a person who is licensed by DPI to teach the subject or trade that the permit holder is teaching.

Charter School Contract. If a charter school is established through the petition process, the school board is required to contract with the person named in the petition to operate the school. If a charter school is established on the initiative of the school board, the board may contract with a person to operate the school. In addition, two or more school boards may enter into a contractual agreement to establish a charter school, locating the school in just one of the establishing school districts, and one or more school boards may enter into an agreement with the board of control of a CESA to establish a charter school, locating the school within the boundaries of the CESA.

Under 2009 Acts 28 and 61, when establishing a charter school, a school board or independent charter authorizer must consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

The contract may be for any term not exceeding five school years and can be renewed for one or more terms not exceeding five school years. In addition, the contract must specify the amount to be paid to the charter school during each school year.

The contract and the petition must include the following 15 provisions and may include other provisions agreed upon by the parties:

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 state's educational goals and expectations under s. 118.01 of the statutes.

5. The method by which pupil progress in attaining the state's educational goals and expectations will be measured.

6. The governance structure of the school, including the method to be followed by the school to ensure parental involvement.

7. 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.

Transportation. Charter schools are not required, under current law, to provide transportation for their pupils. Similarly, the law does not specifically include charter pupils among the pupils that school districts are required to transport. However, if the parties agree, then the contract between a charter school and school board may provide for the transportation of charter school pupils.

Charter Revocation. A school board can revoke a contract with a charter school if the board finds that any of the following occurred: (a) the school violated the contract; (b) the school's pupils failed to make sufficient progress toward attaining the state's educational goals and expectations; (c) the school failed to comply with generally accepted accounting standards of fiscal management; or (d) the school violated the charter school law.

Funding and Expenditures. As noted, the contract between the school board and the person operating the charter school must specify the amount to be paid to the charter school during each school year of the contract. The pupils enrolled in the charter school are counted by the school district for revenue limits, included in the school district's membership for aid purposes, and the contract costs are eligible for state cost sharing under the equalization aid formula.

A charter school established by a school district may participate in categorical school aid and grant programs, but such participation needs to be included in the charter. Under 2005 Act 25, district-sponsored non-instrumentality charter schools can be reimbursed for special education costs in the same manner as other types of charter schools, if the school board contracts with the charter school to provide special education services to pupils attending the school. A charter

school must comply with all requirements associated with the categorical aid program in which it participates.

Since 1996, DPI has been awarded federal grants through the U.S. Department of Education to provide funds to local school districts for charter school planning and implementation grants. The Department received three-year grants in 1996, 1999, 2002, and 2005. The 2005-08 grant totaled \$52.5 million. In 2009, DPI was awarded a five-year grant that will run through 2014 and total \$86.0 million. Five percent of the funding is reserved for DPI project administration and 95% is awarded to school districts. For 2012-13, DPI has awarded \$16.1 million to 84 charter schools, including: (a) 24 planning grants totaling \$4.8 million; (b) 20 implementation grants for first-year operations of new charter schools totaling \$3.9 million; (c) 32 implementation grant renewals for second-year charter schools totaling \$6.4 million; and (d) eight dissemination grants for sharing best practices with other charter and traditional schools, totaling \$1.0 million.

Virtual Charter School Provisions

Establishment. In 2002-03, the first "virtual" charter school, Wisconsin Connections Academy, was chartered by the Appleton Area School District. The Appleton district provides pupils curricular materials, including a computer system and Internet access, through a contract with Connections Academy, a private company. This virtual charter school offers an online K-12 curriculum and enrolls pupils statewide, through the state interdistrict open enrollment program. Appleton also operates Appleton eSchool for grades 9-12.

In 2003-04, the Northern Ozaukee School District chartered another virtual school, Wisconsin Virtual Learning, which now offers online courses for K4 through 12th grades. Northern Ozaukee also operates the Wisconsin Virtual Learning STEM Academy for grades 9-12.

Kiel Area School District opened the Kiel eSchool in 2003, serving grades 7 through 12. Monroe School District opened the Monroe Independent Virtual Charter High School as well in 2003, and opened the Monroe Virtual Charter Middle school in 2006.

In 2004-05, three more virtual charter schools opened: Grantsburg Virtual School in the Grantsburg School District; iQ Academies of Wisconsin in the Waukesha School District; and the Northeast Wisconsin Online Charter School in the Kohler School District. The Grantsburg and Kohler schools subsequently closed. Grantsburg later opened Insight/iForward School of Wisconsin in 2007-08.

In 2005-06, the JEDI (Jefferson Eastern Dane Interactive) Virtual High School in the Cambridge School District, and the Rural Virtual Academy in the Medford Area Public School District were opened. JEDI is open to all students, although most are drawn from the nine school districts in Dane and Jefferson counties who have worked cooperatively to develop the school. Rural Virtual Academy serves K4 through grade 8 nontraditional students, and a five-district consortium helps govern the school.

In 2007-08, the Janesville School District opened Janesville Virtual Academy, and Kenosha Unified School District opened the Kenosha eSchool. Janesville serves grades 6-12, and Kenosha grades K-12.

In 2009-10, McFarland School District opened Wisconsin Virtual Academy, contracting with for-profit K12 Inc. to provide the online curriculum. For the 2010-11 school year, the Middleton-Cross Plains School District opened the 21st Century eSchool. Additional school districts that are currently operating virtual charter schools, whether for district residents or for all students via open enrollment, include the Barron Area, Cameron, Chetek-Weyerhaeuser, Cumberland, Gillett, Hayward Community, Kettle Moraine, Merrill Area,

Milwaukee, Portage, Sheboygan, and West Allis school districts.

In 2012-13, a total of 29 virtual charter schools were operating, although statewide enrollment for 2012-13 is not yet available. In 2011-12, 4,900 pupils were enrolled in virtual charter schools.

Virtual Charter School Requirements. Given the rapid growth of virtual charter schools and the need to address a court ruling concerning their operation, legislation specifically dealing with such schools was passed as 2007 Act 222. The Court of Appeals' decision handed down in December, 2007, found that virtual charter schools violated state law, as it existed at the time, in three respects: (a) school districts were prohibited from operating charter schools located outside the district; (b) open enrollment students were required to attend a school in the district in which they open enroll; and (c) the parent of a virtual school pupil acts as the child's primary teacher, in violation of a requirement that public school teachers be state certified. Act 222 addressed the court's findings, and defined a virtual school as one in which all or a portion of instruction is provided on the Internet, and pupils and staff are geographically remote from each other.

Access to instructional staff is provided by the virtual schools, but pupils generally complete work independently under the supervision of their parents. Under Act 222, beginning July 1, 2009, teachers in virtual charter schools must be appropriately licensed by DPI in the subject and grade level for each virtual course taught. Beginning July 1, 2010, teachers of online courses in a public school, including a charter school, must complete 30 hours of professional development designed to prepare them for online teaching. Anyone providing educational services to a virtual charter pupil in the pupil's home who is not instructional staff employed by the school, including the pupil's parent or guardian, is not required to hold a license or permit to teach issued by DPI.

Virtual charter schools are required to provide educational services to pupils at least 150 days each school year, and instructional staff duties are enumerated. Teachers must be available for direct instruction for at least the same number of hours of instruction as are required for regular public school pupils, which varies by grade level, but no more than 10 hours per day can count towards this requirement. Teachers in virtual charter schools must respond to any inquiries by pupils and parents within one full school day. Pupils are required to participate in state pupil assessments.

Also under Act 222, the governing body of a virtual charter school must establish a parent advisory council that meets regularly. At the beginning of each school term, the governing body must inform its pupils' parents how to contact the school's staff, governing body, authorizing school board, and parent advisory council.

Other specified requirements under the open enrollment program are also applied to virtual charter schools. A virtual charter school is considered to be located in the school district that contracts for the establishment of the school. Or, if a district enters into an agreement with another district or CESA to establish a virtual charter, the school is considered to be located in the district specified under that agreement.

Finally, the Legislative Audit Bureau was required to perform a performance and financial audit of virtual charter schools and report the findings to the Legislature by December 30, 2009. That audit, published in February, 2010, found that virtual schools collected \$18.0 million in revenue in 2007-08, of which \$14.2 million came from state aid payments. Eight of the 15 virtual schools operating in 2007-08 on average spent less per pupil than they collected under open enrollment, \$6,007 per pupil in that year. While expenditures per pupil varied widely among schools, on average the 15 virtual schools spent \$5,779 per pupil. In 2007-08, virtual charter schools expended approximately \$8.4 million for curriculum ma-

terials, \$8.2 million for staffing, \$715,000 for advertising, and \$483,000 for miscellaneous overhead items, for a total of approximately \$17.8 million. Over 90% of parents and guardians surveyed for the audit reported that they were satisfied with their child's virtual school.

Virtual Charter School Restrictions. The City of Milwaukee, UW-Milwaukee, MATC, and UW-Parkside are prohibited from establishing virtual charter schools. Like other charter schools, virtual charters are prohibited from charging tuition, except that virtual operators are required to charge tuition to out of state pupils enrolled in the school, in an amount equal to at least the open enrollment payment amount.

Act 222 provides that pupils attending a virtual school are not subject to the usual compulsory school attendance requirements, but are subject to specified requirements regarding participation. Act 222 defines the equivalent of excused absences for virtual charter school pupils. If a pupil fails to adequately participate in the virtual school, the pupil may be transferred back to his or her resident district, or, if attending a virtual school within the resident district, to another school or program within that district. A parent or guardian may appeal such transfers to the Department.

Enrollment Cap. Under Act 222, beginning in the 2009-10 school year, the total number of pupils attending virtual charter schools through the open enrollment program was capped at 5,250 in any given school year. However, under 2011 Act 32, this cap was repealed.

Funding and Expenditures. Under open enrollment, a pupil may attend any public school located outside his or her school district of residence, under certain circumstances. The school district of residence counts the pupil for the purposes of revenue limits and aid membership. The nonresident district receives a per pupil transfer amount, determined by DPI, and equal to the statewide average per pupil school district costs

for regular instruction, co-curricular activities, instructional support services, and pupil support services for the prior school year. The 2012-13 per pupil cost for these four categories is estimated to be \$6,445. (For more information on this program, please see the informational paper entitled, "Open Enrollment Program.") The contract costs for the services of the private curriculum provider are funded by the open enrollment payments received from the pupils' school districts of residence. Such contracts are open to public inspection and copying.

City of Milwaukee, UWM, and MATC Provisions

Method of Establishment. Under 1997 Act 27, the Common Council of the City of Milwaukee, the Chancellor of UWM, and MATC are authorized to establish by charter and operate, or contract with a group or individual to operate, a charter school. These schools are sometimes referred to as "independent" or "2r" charter schools. The "2r" designation is a reference to their statutory citation [s. 118.40(2r) of the statutes].

Notification. Each of these entities is required to notify DPI of its intention to establish a charter school by February 1 of the previous school year. The notice must include a description of the proposed school. The Chancellor of UWM may not establish or contract for the establishment of a charter school without the approval of the Board of Regents of the UW System.

Milwaukee Charter School Restrictions. A charter school established or contracted for must be located within the MPS district and pupils residing within the MPS district may attend the charter school. Under 2005 Act 25, provisions that placed further eligibility restrictions on pupils residing within MPS were eliminated. Act 25 also expanded eligibility for state school lunch categorical aid to these charter schools. Finally, under 2005 Act 346, independent charter schools, like those sponsored by school districts, were

permitted to establish single-sex schools or courses, provided that comparable schools or courses are available to the opposite sex.

Under 2003 Act 156, additional eligibility criteria were created for pupils attending the Woodlands School, a private school located in MPS that had previously participated in the Milwaukee parental choice program, but also enrolled tuition-paying pupils who resided within or outside MPS. Woodlands contracted with UWM to convert to a charter school beginning in 2004-05. Act 156 modified the law in order to accommodate pupils who wished to continue attending Woodlands but who did not meet the enrollment requirements listed above. Instead, pupils may attend Woodlands regardless of their school district of residence if: (a) the pupil attended Woodlands in the 2003-04 school year and, beginning in the 2005-06 school year, in the previous year; or (b) a member of the pupil's family who resides in the same household as the pupil attended Woodlands in the 2003-04 school year.

Legal Status of a Milwaukee Charter School. In general, these charter schools cannot be instrumentalities of the MPS district and MPS cannot employ any personnel for these charter schools. However, any charter school authorized by the City that is established and operated by a for-profit entity must be an instrumentality of MPS and all staff employed by the charter school must be employees of MPS.

Milwaukee Charter School Requirements. The chartering or contracting entities are required to: (a) ensure that all instructional staff of the charter school hold a teaching license or permit issued by DPI; and (b) administer the Wisconsin state standardized assessments in grades three through eight, and in grade 10.

In addition, these charter schools, along with all charter schools, must follow applicable federal laws. Like school boards, the chartering or contracting entity must give preference in awarding

contracts to charter schools that serve children-at-risk. When establishing or contracting to establish a charter school, these authorizers are required, as are school boards, to consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

Milwaukee Charter School Contract. A charter for a charter school established by the City of Milwaukee, UWM or MATC is required to include all of the items for a petition to establish a charter school by a school board, except: (a) the name of the person who would operate the charter school; (b) the name of the person who would be in charge of the charter school and the manner in which administrative services would be provided; and (c) the effect of the establishment of the charter school on the liability of the school district. A contract to operate a charter school is required to include all of the items required for a petition to establish a charter school by a school board with one exception. Instead of including a description of the effect of the establishment of the charter school on the liability of the school district, the contract must specify the effect of the establishment of the charter school on the liability of the contracting entity. A contract may include other provisions agreed to by the parties. This contract is subject to revocation by the contracting entity for the same grounds that a school board can revoke a contract with a charter school.

Transportation. Similar to charter schools contracted by school districts, charter schools established by the City of Milwaukee, UWM, and MATC are not included under current law governing pupil transportation obligations. Therefore, these charter schools are not required to provide transportation for their pupils. However, if the parties agree, then the contract between a charter school and the chartering entity may provide for the transportation of charter school pupils.

Funding and Expenditures. Through 2012-13, DPI is required to pay the operators of these charter schools an amount equal to the sum of the amount paid per pupil in the previous school year and the amount of increase per pupil allowed under the Milwaukee parental choice program, multiplied by the number of pupils attending the charter school. Beginning with the 2013-14 school year, per pupil payments will equal the prior year's payment plus the per pupil adjustment allowed under revenue limits.

DPI is required to make payments equivalent to 25% of the total due to each school in September, December, February and June of each school year and send the check to the operator of the charter school. The payment amount is \$7,775 per pupil in 2012-13. The table shows the number of pupils and program expenditures since 1998-99 including the charter school operated by UW-Parkside. These pupils are not counted by any school district for the purposes of revenue limits and aid membership.

Milwaukee/Racine Charter School Expenditures Including RUSD Aid Payment

	Pupils	Payment	Expenditures (In Millions)
1998-99	55	\$6,062	\$0.4
1999-00	193	6,272	1.2
2000-01	1,411	6,494	9.2
2001-02	2,046	6,721	13.8
2002-03	3,360	6,951	24.2
2003-04	3,601	7,050	26.7
2004-05	4,066	7,111	30.0
2005-06	4,473	7,519	34.8
2006-07	4,826	7,669	38.5
2007-08	5,487	7,669	43.5
2008-09	5,296	7,775	42.7
2009-10	6,124	7,775	49.7
2010-11	7,159	7,775	56.9
2011-12	6,863	7,775	54.6
2012-13	7,600*	7,775	59.8

*Estimated

In May, 1998, the Common Council of the City of Milwaukee passed an ordinance that ena-

bled the City to contract for the establishment of charter schools beginning in the 1998-99 school year. Currently, nine schools are operating under the City's chartering authority: (a) Central City Cyberschool; (b) CEO Leadership Academy; (c) Darrell Lynn Hines (DLH) Academy; (d) Downtown Montessori Academy; (e) Escuela Verde; (f) Kings Academy; (g) Milwaukee Academy of Science; (h) Milwaukee Math and Science Academy; and (i) North Point Lighthouse.

Currently 11 schools are operating under UWM's chartering authority: (a) Bruce Guadalupe Community School; (b) Capitol West Academy; (c) Milwaukee College Preparatory School -- 36th Street Campus; (d) Milwaukee Scholars (National Heritage Academies); (e) School for Early Development and Achievement (SEDA); (f) Seeds of Health Elementary School; (g) Tenor High School; (h) Urban Day School; (i) Veritas High School; (j) Woodlands School; and (k) YMCA Young Leaders Academy. To date, MATC has not chosen to sponsor a charter school.

Based on the enrollment counts used in the October 15, 2012, general school aid calculation prepared by DPI, there are an estimated 7,600 full time equivalent pupils attending these charter schools in 2012-13, including pupils attending the charter school operated by UW-Parkside.

Offsetting Reduction in General School Aid. Funding equal to the estimated payment each year for these charter schools is reduced proportionally from the general school aids paid to all school districts in the state. In 2012-13, it is projected that this estimated \$59.8 million reduction will represent a 1.4% decrease in the general school aids received by all school districts.

A school district's revenue limit calculation is not affected by the independent charter school program reduction in aid. Thus, a school district can increase its property tax levy to offset any aid reduction related to this program.

UW-Parkside Provisions

Method of Establishment. UW-Parkside is authorized to establish by charter and operate, or contract to operate one charter school for grades kindergarten through eight. The enrollment limit for this charter school is 480 pupils.

Racine Charter School Restrictions. Current law requires that a charter school established or contracted by UW-Parkside must be located within a unified school district in the county in which UW-Parkside (Racine County) is located or in an adjacent county.

Transportation. No provision is made for the transportation of pupils enrolled in a charter school contracted by UW-Parkside. Therefore, this charter school is not required to provide transportation for its pupils. Nothing in the law prevents UW-Parkside from addressing transportation of charter pupils in their contracts with the charter school.

Funding and Expenditures. DPI is required to make payments to UW-Parkside equal to those made to Milwaukee charter schools to operate a charter school. Also, under 2001 Act 16 DPI was required to pay to the Racine Unified School District (RUSD) an amount equal to its gross equalization aid per pupil multiplied by the number of pupils attending the charter school who were previously enrolled in the District. However, under 2011 Act 32, the payment to RUSD was limited to \$1,000,000 in 2011-12 and \$750,000 in 2012-13. DPI is prohibited from making payments under this provision after 2012-13.

In March, 2002, the UW Board of Regents approved Racine Charter One to operate a charter school overseen by UW-Parkside and located in the Racine Unified School District. The charter school, the 21st Century Preparatory School,

opened in the fall of 2002. Racine Unified School District will receive \$750,000 in 2012-13 related to the charter school program. The 21st Century Preparatory School will receive an estimated \$3.73 million in 2012-13.

Status of Wisconsin's Charter Schools

Since the inception of the charter school program through the 2011-12 school year, 354 charter schools have been created. A total of 122 schools subsequently closed due to funding issues, low enrollment, failure to meet academic goals, or other issues. In 2011-12, 232 charter schools were open, chartered by 95 authorities. In total, enrollment in all types of charter schools was approximately 40,300 pupils in 2011-12.

According to DPI, 16 charter schools either closed or converted to regular public school status at the end of 2011-12, while 23 new charter schools opened for the 2012-13 school year. Therefore, 239 charter schools were operating in the fall of 2012.

A comprehensive list of charter schools in operation in Wisconsin, including newly opened schools and those that have closed since the inception of the program, is published annually by DPI as the "Wisconsin Charter Schools Yearbook" and can be found online at: [www.dpi.state.wi.us/sms/pdf/2011-12yearbook.pdf]

Using the information drawn from that publication, the Appendix lists the charter schools in operation in 2011-12 by school district or chartering authority. For each charter school, the description of the school type is shown, compiled from a survey of charter schools by DPI.

APPENDIX

Wisconsin Charter Schools 2011-12 School Year

<u>Chartering Authority</u>	<u>Charter School</u>	<u>School Type</u>
Appleton	Appleton Bilingual School	Language Immersion
Appleton	Appleton Career Academy	Technology/21st Century Skills
Appleton	Appleton Central High School	At-Risk
Appleton	Appleton eSchool	Online/Liberal Arts
Appleton	Appleton Public Montessori	Montessori
Appleton	Classical Charter School	General
Appleton	Foster (Stephen) Elementary School	General/Math
Appleton	Fox River Academy	Environmental
Appleton	Kaleidoscope Academy	Differentiated
Appleton	Odyssey-Magellan Charter School	Gifted/Talented
Appleton	Renaissance School for the Arts	Arts/Culture
Appleton	Tesla Engineering Charter School	STEM
Appleton	United Public Montessori	Montessori
Appleton	Valley New School	Project-Based
Appleton	Wisconsin Connections Academy	Virtual
Augusta	Wildlands Science Research Charter	Environmental
Barron	Advanced Learning Academy of Wisconsin	Online
Barron	Barron Area Montessori School	Montessori
Barron	North Star Academy	At-Risk
Beloit	Eclipse Center Charter School*	At-Risk/Online
Beloit	Roy Chapman Andrews Academy	Project-Based
Birchwood	Blue Hills Charter School	Project-Based
Birchwood	Birchwood Discovery Center*	Project-Based
Black River Falls	Black River Area Green School	Environmental
Blair-Taylor	School of Science, Engineering & Technology	STEM
Butternut	Promethean Charter School	Project-Based
Cambridge	JEDI Virtual High School	Virtual/Liberal Arts
Cameron	Cameron Academy of Virtual Education(CAVE)	Online/Differentiated
Chequamegon	Glidden Class ACT Charter School	Technical/Vocational
Chetek-Weyerhaeuser	Link2Learn Virtual Charter School	Virtual
Chetek-Weyerhaeuser	Red Cedar Environmental Institute	Environmental
City of Milwaukee	Central City Cyberschool	Technology/Liberal Arts
City of Milwaukee	CEO Leadership Academy	Differentiated/College Prep
City of Milwaukee	Darrell Lynn Hines Academy	International Baccalaureate (IB)
City of Milwaukee	Downtown Montessori Academy	Montessori
City of Milwaukee	King's Academy	Liberal Arts
City of Milwaukee	Milwaukee Academy of Science	STEM
City of Milwaukee	Milwaukee Math and Science Academy	STEM
Columbus	Discovery Charter School	Environmental
Crandon	Crandon Alternative Resource School	At-Risk

<u>Chartering Authority</u>	<u>Charter School</u>	<u>School Type</u>
Cumberland	Island City Research Academy	STEM
Cumberland	Island City Virtual Academy	Virtual/STEM
DC Everest	IDEA Charter School	Project Based
Denmark	Denmark Empowerment Charter School*	Project/Liberal Arts
Eau Claire	Chippewa Valley Montessori Charter School	Montessori
Eau Claire	McKinley Charter School	At-Risk
Elkhorn	Walworth Co Educ Consortium Alternative High	Diploma Completion
Flambeau	Flambeau Charter School	Technical/Vocational
Flambeau	Whitetail Academy Charter School	At-Risk
Gillett	CRE8 Charter School	Arts
Gillett	Gillett Occupation and Leadership Charter School	STEM
Glenwood City	Transitional Skills Center	At-Risk
Grantsburg	Insight School of Wisconsin	Virtual/Diploma Completion
Green Bay	John Dewey Academy of Learning	Project-Based
Green Lake	Green Lake Global and Environmental Academy	Environmental/IB
Greendale	Time 4 Learning Charter School	Early Learning
Hartland-Lakeside	Hartland School of Community Learning	Inquiry
Hartland-Lakeside	LIFE Charter School	Entrepreneurial
Hayward	Hayward Center for Individualized Learning	Virtual
Hayward	Waadookodaading Charter School	Language Immersion
Highland	Highland Community Middle School	Inquiry
Hortonville	Fox West Academy	Project-Based
Janesville	Janesville Academy for International Studies	Global Studies
Janesville	Janesville Virtual Academy	Virtual/Liberal Arts
Janesville	Rock River Charter School	At-Risk/Differentiated
Janesville	TAGOS Leadership Academy	Project-Based
Kaukauna	New Directions Learning Community	Early Reading
Kaukauna	Park Community Charter School	Place Based/21st Century Skills
Kenosha	Brompton School	Early Reading
Kenosha	Dimensions of Learning Academy	General/Liberal Arts
Kenosha	Harborside Academy	Expeditionary/Liberal Arts
Kenosha	Kenosha eSchool	Virtual
Kenosha	Kenosha School of Technology Enhanced Curriculum	Technical/Vocational
Kenosha	Paideia Academy*	Paideia/Liberal Arts
Kettle Moraine	KM Global Charter School for Leadership and Innovation	Global Studies
Kettle Moraine	School for Arts and Performance	Arts/Culture
Kiel	Kiel eSchool	Virtual
Kiel	Meeme LEADS Charter School	Differentiated
Kimberly	Caring Opportunities for Recovery Education	At-Risk
Kimberly	Kornerstone Charter School	Project-Based
La Crosse	Coulee Montessori Charter School	Montessori
La Crosse	Design Institute	Project-Based/STEM
La Crosse	LaCrossroads Charter Schools	At-Risk
La Crosse	School of Technology & Arts	Technology/Arts
La Crosse	School of Technology & Arts II	Technology/Arts
Ladysmith-Hawkins	Health Care Academy	Technical/Vocational
Lena	Lena Education Alternative Network Charter	At-Risk
Little Chute	Little Chute Career Pathways Academy	Inquiry
Lodi	Gibraltar Charter School	At-Risk/Diploma Completion
Madison	Badger Rock Middle School	Environmental

<u>Chartering Authority</u>	<u>Charter School</u>	<u>School Type</u>
Madison	James C. Wright Middle School	Service Learning
Madison	Nuestro Mundo Community School	Language Immersion
Manitowoc	Manitowoc County Comprehensive Charter School	Other-Mental Health
Manitowoc	McKinley Academy	Inquiry
Marathon City	Marathon Venture Academy	Expeditionary
Marshall	Marshall Charter School	Portfolio/Diploma Completion
Mauston	iLEAD Charter School	Project Based
McFarland	Wisconsin Virtual Academy	Virtual
Medford	Rural Virtual Academy	Virtual
Mellen	Mellen Technology Charter School	At-Risk/Project-Based
Mercer	Mercer Environmental Tourism	Environmental
Merrill	Merrill Adult Diploma Academy	Diploma Completion
Middleton-Cross Plains	21st Century eSchool	Online/Liberal Arts
Middleton-Cross Plains	Middleton Alternative High School*	At-Risk
Milwaukee	Academia de Lenguaje y Bellas Arts	Language/Arts/Culture
Milwaukee	Advanced Language and Academic Studies*	Language Immersion
Milwaukee	Alliance School of Milwaukee	Inquiry/Service
Milwaukee	Audubon Technology & Communications Center High	Differentiated/Liberal Arts
Milwaukee	Audubon Technology & Communications Center Middle	Differentiated/STEM
Milwaukee	Business & Economics Academy of Milwaukee (BEAM)	Liberal Arts
Milwaukee	Career and Technical Education	Technical
Milwaukee	Carmen High School of Science and Technology	College Prep
Milwaukee	Community High School	Service Learning
Milwaukee	Fairview School	Differentiated Instruction
Milwaukee	Hawley Environmental School	Environmental/IB
Milwaukee	Highland Community School	Montessori
Milwaukee	Hmong American Peace Academy	Liberal Arts
Milwaukee	Honey Creek Continuous Progress School	Direct Instr./Early Reading
Milwaukee	Humboldt Park K-8 School	Liberal Arts
Milwaukee	I.D.E.A.L. Charter School	Inquiry/Science
Milwaukee	International Peace Academy High School	Liberal Arts
Milwaukee	James Madison Academic Campus*	Liberal Arts/Diploma Completion
Milwaukee	Kathryn T. Daniels University Preparatory Academy	College Prep
Milwaukee	Kosciuszko Montessori Middle School	Montessori/Language
Milwaukee	La Causa Charter School	Language/Arts/Culture
Milwaukee	Milwaukee Academy of Chinese Language*	Language/Liberal Arts
Milwaukee	Milwaukee College Prep--38th Street	Liberal Arts
Milwaukee	Milwaukee College Prep--Lloyd Street	Liberal Arts
Milwaukee	Milwaukee Community Cyber (MC2) High School	Online/Language Immersion
Milwaukee	Milwaukee Excel Charter High School	Technical/Vocational
Milwaukee	Milwaukee School of Entrepreneurship*	Technical/Vocational
Milwaukee	Montessori High School, An IB World School*	Montessori
Milwaukee	Next Door Charter School	At-Risk
Milwaukee	North Division High School	Differentiated/College Prep
Milwaukee	Professional Learning Institute	At-Risk/Project-Based
Milwaukee	School for Urban Planning and Architecture*	Project-Based/Technical
Milwaukee	Transformation Learning Community	Online/Diploma Completion
Milwaukee	Westside Academy I & II	Core Knowledge
Milwaukee	Whittier Elementary School	Core Knowledge
Milwaukee	Wings Academy*	Special Education

<u>Chartering Authority</u>	<u>Charter School</u>	<u>School Type</u>
Milwaukee	Wisconsin Career Academy*	STEM
Milwaukee	WORK (Where Opportunities Require Knowledge) Inst.*	At-Risk/Technical
Minocqua J1	Woodland Progressive School for 21st Century Citizens	Place Based/21st Century Skills
Monona Grove	Monona Grove Liberal Arts Charter School for the 21st Century	At-Risk
Monroe	Monroe Alternative Charter School	At-Risk
Monroe	Monroe Independent Virtual Charter High School	Virtual/Diploma Completion
Monroe	Monroe Virtual Middle School	Virtual
Montello	High Marq Environmental Charter School	Environmental
Mukwonago	Eagleville Elementary Charter School	Environmental
Neenah	Alliance Charter Elementary	Montessori
Nekoosa	Niikuusra Community School	Project-Based/Language Immersion
New Lisbon	Juneau County Charter School	At-Risk
New London	School of Enterprise Marketing	Project-Based
New Richmond	NR4Kids Charter School Learning	Other-Early Learning
Northern Ozaukee	Wisconsin Virtual Learning	Virtual
Northwood	North Star Community Charter School	Place Based/21st Century Skills
Oak Creek/Franklin	Early Learning Academy	Early Childhood
Oconto	Oconto Literacy Charter School	Differentiated/Early Reading
Oconto Falls	Falls Alternative Learning Site	Diploma Completion
Oconto Falls	New Path Charter School	At-Risk
Oconto Falls	Spruce School*	Environmental
Osceola	Osceola Charter Preschool	Early Learning
Oshkosh	ALPS Accelerated Alternative Learning Program	Gifted/Liberal Arts
Oshkosh	Franklin Key to Learning Charter School	Liberal Arts
Oshkosh	Jacob Shapiro Brain Based Instruct. Laboratory Sch.	Differentiated/Liberal Arts
Oshkosh	Oakwood Environmental Education Charter School	Environmental
Portage	Portage Academy of Achievement	At-Risk/Differentiated
Portage	River Crossing Environmental Charter School	Environmental
Racine	REAL School	Liberal Arts
Rhineland	Northwoods Community Elementary School	Project-Based
Rhineland	Northwoods Community Secondary School	Project-Based
Rhineland	Rhineland Environmental Stewardship Academy	Environmental
Ripon	Crossroads Charter School	At-Risk
Ripon	Lumen Charter High School	Inquiry
Ripon	Quest Charter School	Project-Based/Global Studies
River Falls	Renaissance Charter Alternative Academy	At-Risk/Differentiated
River Falls	River Falls Public Montessori Elementary	Montessori
River Valley	River Valley Elementary Studio School	Arts/Culture
Sauk Prairie	Merrimac Community Charter School	Environmental/Project-Based
Sheboygan	A2 Charter School	Inquiry/Project Based
Sheboygan	Central High School	Diploma Completion
Sheboygan	Elementary School of the Arts and Academics	Arts/Culture
Sheboygan	George D. Warriner High School for Personalized Learning	Project-Based
Sheboygan	George D. Warriner Middle School	Project-Based
Sheboygan	Innovation through Design, Engineering, Arts & Sciences Academy	Arts/Culture
Sheboygan	Lake Country Academy	Core Knowledge
Sheboygan	Mosaic School, The	Arts/Culture
Sheboygan	Northeast Wisconsin Montessori School	Montessori
Sheboygan	Washington School for Comprehensive Literacy	Differentiated/Early Reading
Shiocton	Shiocton International Leadership Academy	Project-Based/Global Studies

<u>Chartering Authority</u>	<u>Charter School</u>	<u>School Type</u>
Shorewood	New Horizons for Learning	At-Risk
Sparta	Lakeview Montessori School	Montessori
Sparta	Sparta Area Independent Learning Charter School	At-Risk
Sparta	Sparta Charter Preschool	Early Learning
Sparta	Sparta High Point Charter School	Project-Based
Stevens Point	CARE (Concerned About Reaching Everyone)	At-Risk
Stevens Point	Roosevelt IDEA School	Differentiated
UW-Milwaukee	Bruce Guadalupe	Core Knowledge
UW-Milwaukee	Capitol West Academy	Differentiated/Liberal Arts
UW-Milwaukee	Milwaukee College Prep--36th Street	College Prep
UW-Milwaukee	Milwaukee Scholars	At-Risk
UW-Milwaukee	School for Early Development & Achievement	Differentiated/Liberal Arts
UW-Milwaukee	Seeds of Health Elementary School	Liberal Arts
UW-Milwaukee	Tenor High School	Technical/Vocational
UW-Milwaukee	Urban Day Charter School, Inc.	At-Risk/Early Learning
UW-Milwaukee	Veritas High School	College Prep
UW-Milwaukee	Woodlands School	Differentiated/Arts/Culture
UW-Milwaukee	YMCA Young Leaders Academy	General/Leadership
UW-Parkside	21st Century Preparatory School	College Prep
Verona	Core Knowledge Charter School	Core Knowledge
Verona	New Century School	Environmental
Verona	Verona Area International School	Language Immersion
Viroqua	Laurel High School	Other/Project
Viroqua	Vernon County Better Futures High School	At-Risk
Waukesha	Harvey Philip Alternative Charter School	At-Risk/Differentiated
Waukesha	iQ Academy of Wisconsin	Virtual
Waukesha	Project Change Alternative Recovery School	At-Risk/Differentiated
Waukesha	Waukesha Academy of Health Professions	Health Careers
Waukesha	Waukesha Engineering Preparatory Academy	STEM
Waukesha	Waukesha STEM Academy	STEM
Wausau	Enrich, Excel, Achieve Academy	At-Risk/Online
Wausau	Wausau Area Montessori Charter School	Montessori
Wausau	Wausau Engineering and Global Leadership Academy	STEM
Wauwatosa	Tosa School of the Trades*	Vocational
Wauwatosa	Wauwatosa STEM	STEM
West De Pere	Phantom Knight School of Opportunity	At-Risk/Project-Based
Weyauwega-Fremont	Waupaca County Charter School	Other-Social Skills
Whitewater	Lincoln Inquiry Charter School	Inquiry
Whitnall	CORE 4	Early Childhood
Wisconsin Rapids	Central Cities Health Institute	Health Careers
Wisconsin Rapids	Mead Elementary Charter School	Differentiated/Service Learning
Wisconsin Rapids	Vesper Community Academy	Project-Based

*Charter school closed at end of 2011-12 school year.