



Alberta Darling

Wisconsin State Senator • District 8

Testimony before the Assembly Committee on Education
Senate Bills 964 & 965
2/23/2022

Thank you committee members for taking the time to hear Senate Bills 964 and 965.

These two bills are part of the Empowering Parents K-12 Education Reform Package to address the growing demand from parents to tailor their children's individual education, establish accountability, and encourage collaboration with educators. Increased scrutiny and parental involvement in the wake of the COVID-19 pandemic has exposed the need for fundamental educational reforms while presenting a once-in-a-generation opportunity for a course correction.

Senate Bills 964 and 965 will increase access and availability of public charter school options in Wisconsin. Currently, over fifty thousand students in over 230 schools take advantage of this option and are enrolled in public charter schools throughout the state. Statistically, these non-traditional public school options outperform their traditional public-school counterparts.

Under current law, charter schools authorized by an entity other than a school board must have a duplication provision in their chartering contract. This duplication provision states that the governing board of the charter school may open one or more additional charter schools if all of the charter schools operated by the governing board were assigned to one of the top two performance categories in the most recent school and school district report cards. Senate Bill 965 requires that charter schools authorized by school districts have the identical duplication provision in their chartering contracts. This bill ensures our highest performing charter schools do not need to go through hoops and hurdles to provide more students with this high quality public school option.

Also under current law, charter schools may be authorized by school boards, the City of Milwaukee, the University of Wisconsin (UW)-Milwaukee, UW-Parkside, Madison Area Technical College, the Waukesha County executive, any UW institution, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwe

College, and the Office of Educational Opportunity in the UW System. Assembly Bill 968 creates a new Charter School Authorizing Board to approve new independent charter schools statewide. The ten member, bi-partisan appointed board will serve four year terms for no more than two consecutive terms.

Alternatives to traditional public schools continue to be in high demand for many parents. As parents continue to pursue these alternatives in historic numbers, it is more important than ever that we continue to look for ways to increase these high quality options. According to recent Department of Public Instruction numbers, independent charter schools reported a total third Friday of September 2021 headcount of 10,691, an increase of 15.6 percent from September 2020. The previous increase, from 2019 to 2020, was 1.5 percent.

I want to thank Representative Wittke for leading these efforts in the Assembly, and thank you again committee members for hearing Senate Bills 964 and 965. I hope to have your support.



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT
TESTIMONY: SENATE COMMITTEE ON EDUCATION
February 23, 2022

Madame Chair and Committee Members,

Recently, a constituent emailed this comment to me, “Our schools have failed our children because they have become a social experiment”. That sentiment, personal experience, and three years as Board President of Racine Unified School District drives me to push education reform from talk to action for our children. Thank you, Madame Chair and Committee Members, for taking time to hold a public hearing on this package of K-12 Education Reform bills.

Members, with all due respect, we can no longer let the status quo in education be our guide. When Senator Darling came to me with these proposals asking for me to join the effort, I was enthusiastic. She knows well how important it is for us to take action for our children. Thank you, Senator Darling.

In a recent statement from State Superintendent Dr. Jill Underly, she said “Our schools are facing major challenges, many of which existed long before COVID-19...” “We need solutions to these challenges...” and I couldn’t agree more, we just have a different way of getting there. Let me summarize four bills I’ve co-authored for our children and their parents. **Senate Bill 966 (SB 966)** would require the Department of Public Instruction (DPI) to use the Administrative Rules process to establish the method and formulas it will use in creating school and school district report cards. Specifically how pupil achievement and growth in reading and mathematics is determined. Schools should be able to count on a standard guide each year.

Senate Bill 964 (SB 964) and **Senate Bill 965 (SB 965)** team up to allow growth in Wisconsin’s already successful charter school program. Charter schools are a popular option that parents have used, with success, and SB 964 would create the Charter School Authorizing Board and allow it to authorize independent charter schools. Charter schools under current law may be authorized by school boards, the City of Milwaukee, the University of Wisconsin-Milwaukee and Parkside, Madison Area Technical College, the Waukesha County executive to name some of the authorizing entities. **SB 965** would allow increased access to charter schools by giving high-performing charter schools – those ranked in the top two performance categories in the most recent report card – to duplicate themselves. The duplication process is currently part of the charter contract and SB 965 expands the provision to these high performers.

Senate Bill 963 (SB 963) would reorganize the Milwaukee Public School System (MPS). This bill creates a Redistricting and Implementation Commission made up of the Governor and two appointees, the City of Milwaukee Mayor and two appointees, and the State Superintendent of Schools. Their charge is to look at the current district make up, student population and school buildings and determine how to establish four to eight new school districts in place of MPS. In the mid 2000’s a proposal was introduced to break up MPS; it failed. Today, too many children in MPS are failing and it must stop. We just can’t continue to spend hours and hours talking about what’s wrong with our schools then sit on our hands and do nothing. **SB 963** is a good starting point.

Our students and their parents, deserve better than status quo. I believe these bold proposals encourage action. Thank you again for holding this public hearing today.

MMAC

**METROPOLITAN MILWAUKEE
ASSOCIATION OF COMMERCE**

**Written Testimony: Senate Committee on Education
Andrew Davis, Director for Government Affairs
Metropolitan Milwaukee Association of Commerce
February 23, 2022**

Madam Chairwoman and committee members, thank you for the opportunity to provide written testimony on these important education issues. It is important that we share with you the value that our membership, the business community, places on K-12 education and the role it plays in our mission.

The MMAC is a regional chamber serving nearly 2,000 member companies that employ 300,000 people in the metro-Milwaukee area. It is our mission to invest capital, grow business and create jobs. K-12 education has always been a top priority for our organization. We have always been an active participant with an aggressive agenda to increase educational attainment and improve career development to help feed the talent pipeline for our members and employers in the region.

MMAC has a long history of engaging in education reform, including the formation of a K-12 system fueled by parent options with the goal to develop citizens as skilled, innovative and productive lifelong learners. Historically we have worked with education stakeholders and partners to help provide our citizens with a pathway to great educational outcomes through our K-12 system, two-year, technical and four-year plus degree granting institutions. Educational attainment and a discipline of lifelong learning are the best anchors for prosperity. Unfortunately, this reality is eluding too many of our citizens-- leaving them without opportunity and hope. Leaving Milwaukee short on the talent it needs to thrive.

It is for the reasons stated above that we care very strongly about the following MMAC agenda items:

- A fair and balanced school report card that rewards schools educating some of our most troubled students below grade level.
- Automatic charter reauthorization and replication of high performing charter schools, that includes non-instrumentality charter schools.
- Expansion of charter school authorizing entities and options
- Addressing the issue of under-used and vacant school facilities in Milwaukee. Both taxpayers and parents will benefit from any use of these empty facilities owned by the City of Milwaukee.
- Closing the charter and choice per pupil funding equity gap. The disparity threatens to financially strangle quality schools and reduce educational options. This inequity must be addressed as we are already seeing some schools in Milwaukee close because of it.

Too much of the debate in Milwaukee is over the type of school students attend and too little on results. Whether attending a traditional public school, a public charter school or a school in the Milwaukee Parental Choice Program, ensuring that Milwaukee's children and future workforce have access to a world class education is not only a moral imperative, it is also an economic necessity.

There is no greater determinant of a region's prosperity than the educational attainment and workforce skills of its citizens. We need an unapologetic and unwavering commitment to students and families that attend schools that deliver uncharacteristic results, regardless of what type of school they are in. Getting children ready to learn is the first step, and getting them ready to work is a necessary step.

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CITY FORWARD COLLECTIVE

11 West Pleasant Street, Suite 101
Milwaukee, WI 53212
414.588.8339 | cityforwardcollective.org

February 23, 2022

City Forward Collective, a Milwaukee-based nonprofit organization whose mission is to eliminate educational inequity by ensuring every Milwaukee child has access to a high-quality school, is in support of SB 965/AB 967 and SB 964/AB 968, both of which address charter school authorizing.

We offer the following additional comments for information purposes to the committee:

- a. SB 965/AB 967 on automatic replication: we would note that while including district-authorized charters is a positive step, new schools in growing charter networks often take 4-5 years to reach the existing statutory eligibility requirements and thus the growth plans of typical high-performing charter operators could be slowed, and eligibility even harder to attain with the proposed report card changes
- b. Generally, regarding both bills: we believe there remain opportunities to make these two bills more impactful on growing high-performing charter schools, and we would welcome the chance to work with the legislature to offer amendments that would address other policy barriers to the expansion of high-quality charter schools that are not related to authorizing, including
 - i. Establishing model charter contracts that protect core autonomies for all charter schools (district-authorized and independently-authorized);
 - ii. Permitting entities that operate multiple charter schools to better coordinate finances and operations, by permitting operator-level financial audits and “feeder pattern” enrollment policies;
 - iii. Ensuring that federal aids received by a district or LEA on behalf of students enrolled in public charter schools are passed through to the charter operator; and
 - iv. Addressing inequities in funding levels between public charter schools and traditional public schools, including by increasing the per-pupil funding level for public charter schools, and by providing for public charter schools to be able to access local revenues generated via operating referenda

WMC

Wisconsin's Chamber

TO: Members, Senate Committee on Education

FROM: Rachel Ver Velde, Director of Workforce, Education and Employment Policy

DATE: February 23, 2022

RE: Support for Senate Bill 964 & Senate Bill 965

Wisconsin Manufacturers & Commerce (WMC) appreciates the opportunity to submit written testimony in support of Senate Bill 964 and Senate Bill 965. We thank Senator Darling and Representative Wittke for authoring these bills, which will expand high-performing charter schools throughout Wisconsin.

WMC is the largest general business association in Wisconsin, representing approximately 3,800 member companies of all sizes, and from every sector of the economy. Since 1911, our mission has been to make Wisconsin the most competitive state in the nation to do business. That mission includes making sure Wisconsin's youth are able to access to a good education so they are ready to participate in the workforce.

Senate Bill 965 helps accomplish this goal by requiring that the contract between a charter school governing board and a school board allow the governing board to open additional charter schools if all of the current charter schools operating under the board are high performing. Senate Bill 964 creates the Charter School Authorizing Board, attached to the Department of Public Instruction. This board will be able to approve charter school applications. These bills help circumvent bureaucratic hurdles and streamline the process to allow more charter schools to open throughout Wisconsin.

WMC supports expanding the authorizers of charter schools. We believe that Wisconsin charter schools are providing innovative solutions for students, including meeting community and student needs that many traditional public schools are unable to fulfill. Many employers are excited about charter schools that are incorporating career pathways, career and technical training and hands-on experiences into their curriculum. As Wisconsin employers are facing severe worker shortages, these innovative programs will help attract young people into high-demand, well-paying jobs that employers currently are unable to fill.

WMC urges Members of the Assembly Committee on Education to vote in favor of Senate Bill 964 and Senate Bill 965 to ensure our state's youth have access to increased educational opportunities.



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 East Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

February 23, 2022

Madame Chair Darling and members of the Senate Committee on Education,

Thank you for the opportunity to testify today in favor of Senate Bill 965, a proposal by Senator Darling and Representative Wittke regarding the expansion of high-performing charter schools. I am Libby Sobic from the Wisconsin Institute for Law & Liberty.

Wisconsin was one of the first states to create public charter schools in the 1990s. Since then, parental demand for charter schools has only grown. A charter school is a public school that must be authorized via a contract to exist. In Wisconsin, a variety of governmental entities may authorize charter schools including a school district, the University of Wisconsin system, and the City of Milwaukee, among others.

Last year, over 50,800 Wisconsin students attended a public charter school.¹ The most common type of charter school is one authorized by the local school district. In 2020-21, 86% of all charter schools in Wisconsin were authorized by a district.² These charter schools are called instrumentality and non-instrumentality charter schools.³ The distinction depends on the agreement with the district authorizer.

The charter school contract between school and authorizer is a detailed agreement on a variety of topics, including school performance standards, funding, school discipline and accountability requirements. Typically, the charter is a five-year contract. At the end of the time period, the authorizer has the opportunity to renew the contract, renegotiate the terms or end the relationship with the school. Charter schools may not exist without an authorizer in Wisconsin.

Unfortunately, as charter schools have grown in popularity, the tension between school-district authorizers and the schools they authorize and compete against have grown. This has happened time and again in Milwaukee. Milwaukee Public Schools authorizes several non-instrumentality charter schools.⁴ But as their popularity grew and the charter schools wanted to expand, the district was hesitant to approve these expansions. For example, Carmen Schools of Science and Technology is the state's largest charter school network, with over 2,000 students attending five

¹DPI Quick Facts on Charter Schools, https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Charter-Schools/pdf/Wisconsin_Charter_Schools_Quick_Facts.pdf

² 236 total charter schools: 204 are district-authorized and 32 are independent charter schools.

³ An instrumentality charter school is most similar to the authorizing public school district because the district employs the staff. A non-instrumentality charter school does not have any staff employed by the district.

⁴ MPS authorizes a total of 19 schools and 13 are non-instrumentality.



local middle and high-school locations. Four of the Carmen schools are authorized by MPS.⁵ But as Carmen has tried to re-authorize with Milwaukee Public Schools over the years, they have had to fight every step of the way.⁶

Carmen, like other charter schools, is often accused of taking away funding from the district or even getting access to additional resources that are not available to traditional district schools. But this cannot be farther from the truth. District-authorized charter schools not only receive less money per pupil than traditional MPS schools, they also have to pay rent for the vacant MPS schools they use.⁷ In fact, MPS makes money from the charter schools through a “skim”⁸ i.e., the per pupil funds that the state sends to the district, including charter school students, but the district’s per pupil amount is much lower according to the charter contract. The district keeps the remaining funds and also collects an administrative fee and rent from its district-authorized charters. WILL calculated that MPS made about \$4,000 per charter school student due to the skim in 2020-21.⁹

SB 965 ensures that high-performing charter schools have a chance to expand when they meet the state’s two highest levels of performance on the state’s report card. Students across the state deserve access to more high-quality schools and SB 965 helps meet that demand.

Thank you,

Libby Sobic

libby@will-law.org

Wisconsin Institute for Law & Liberty

⁵ All 4 of Carmen Charter Schools authorized by MPS were rated “meets expectations” and “significantly exceeds expectations” on DPI’s 2020-21 report cards.

⁶ “The Milwaukee Public Schools board has granted the charter network Carmen Schools of Science and Technology a two-year extension on its contract and leases, but not before adding provisions aimed at addressing complaints about inequities at MPS schools where it rents space. In weeks of often contentious testimony, the Milwaukee teacher’s union and some parents had opposed the extensions, saying the board had created a caste system that has disadvantaged students at ALBA elementary and Pulaski High, two traditional MPS schools where Carmen has “co-location” agreements. . . .” Milwaukee Journal Sentinel, “MPS extends Carmen contracts but vows to address alleged inequities in schools.” January 25, 2019.

<https://www.jsonline.com/story/news/education/2019/01/25/mps-extends-carmen-contracts-vows-address-inequities-schools/2678637002/>

⁷ “Under the terms of the new contract, [Carmen] will pay about \$3.7 million for the MPS sites over the next two years.” Milwaukee Journal Sentinel, “MPS extends Carmen contracts but vows to address alleged inequities in schools.” January 25, 2019. <https://www.jsonline.com/story/news/education/2019/01/25/mps-extends-carmen-contracts-vows-address-inequities-schools/2678637002/>

⁸ The Wisconsin Policy Forum found that MPS’ skim was \$2,243 in 2017-18. Wisconsin Policy Forum, “A Teachable Moment,” August 2018, <https://wispolicyforum.org/research/a-teachable-moment-understanding-the-complexities-of-charter-school-financing-in-milwaukee/>

⁹ <https://will-law.org/the-risk-of-unionizing-charter-schools/>

To: Legislature

Re: AB968/SB964 — Expanding Charter School Authorizers;
AB967/SB965 — Expanding High Quality District-Authorized Charter Schools; and
AB970/SB962 — Expanding the Voucher Program and Educational Reimbursement Program

Date: February 18, 2022

From: Mrs. Jody Geenen (1511 Primrose Lane, West Bend, WI 53090; 262-343-3486;
jodygeenen777@gmail.com)

This is my written testimony in SUPPORT of AB968/SB964 — Expanding Charter School Authorizers; AB967/SB965 — Expanding High Quality District-Authorized Charter Schools; and AB970/SB962 — Expanding the Voucher Program and Educational Reimbursement Program.

With public schools becoming more and more of centers for indoctrinating our children instead of being places solely for educating our children with truth-and-fact-based basic academics, parents need more options of where to send their children to school. Charter schools can be wonderful options, especially for those families who do not feel comfortable sending their children to local parochial schools. Therefore, our state needs to provide expansion of charter school authorizers, high quality district-authorized charter schools, and the voucher program and educational reimbursement program.

As a past school board candidate twice, I have been reviewing academic resources and curriculum for our school district. To my complete dismay, I have found the resources to be loaded with indoctrination instead of truth-and-fact-based academics that they are supposed to be. Parents don't always have time to review everything their students are being taught. They need to be able to put their children in the hands of educational systems they can trust.

These bills will help alleviate some of those issues. When money leaves the public schools to follow the students to charter schools and parochial schools, it negatively affects the budget of the public schools. This, in turn, creates an incentive for the public schools to find out why families are leaving and then try to make adjustments so families won't leave or maybe they will return.

Please vote in SUPPORT of all three of these expansion bills. Thank you.



February 23rd, 2022

Senate Committee on Education
Sen. Darling, Chair
State Capitol, Rm 122 S
Madison, WI 53707

Dear Senator Darling and members of the Committee:

The Wisconsin Board for People with Developmental Disabilities (BPDD) appreciates the opportunity to provide testimony on SB 962, SB 963, SB 964, SB 965, SB 974. We are concerned will disproportionately impact students with disabilities.

SB 962 (Parental Rights)

Under the bill, all parents would be informed of any acts of violence or crimes occurring in schools, which could include students with disabilities. Many children with disabilities act out or exhibit behaviors to communicate. The bill does not clearly define what is considered an act of violence or crime. Advocates are concerned behaviors of students with disabilities will be reported to other parents and could lead to the student being more isolated or labeled as problematic. It is not clear how the bill would protect the disability status of students with disabilities, which is required under IDEA.

SB 963 (Reorganizing of Milwaukee's schools)

Under the bill, Milwaukee Public Schools would become four separate districts. 19.6% of Milwaukee's student body are students with disabilities. Currently, parents can choose a school located anywhere in the district that best fits their child's special education needs, even if it is outside their neighborhood. It's unclear what happens to students with disabilities after new district lines are drawn. Creating four separate districts will mean less choice for parents and may result in schools that have higher proportions of students with disabilities and less funding from a smaller local tax base.

SB 964 and SB 965 (Charter Schools and Charter School boards)

These bills would expand of charter schools. In Wisconsin, charter schools are public schools and must provide special education required under IDEA but often have limited resources available to students who chose these options. Charter schools in Wisconsin may have certain acceptance requirements that may make it difficult for students with disabilities to gain entry. Nationally, 9.5% charter school students have disabilities, while 14.2% of students in Wisconsin's traditional public schools have disabilities.

SB 974 (Choice Income Limits)

This bill eliminates income and enrollment limits for the school choice program in Wisconsin. Private schools are not required to provide supports and services to children with disabilities under IDEA and the ADA. Public schools are required to educate students with disabilities. Often, private schools are not able to meet the needs of children with disabilities, which results in higher proportions of students with



disabilities in the local public schools, and funding shortfalls result from serving higher need and higher cost students.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities¹.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

Beth Swedeen, Executive Director,
Wisconsin Board for People with Developmental Disabilities

¹ More about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf.

**SENATOR ALBERTA DARLING
STATE OF WISCONSIN SENATE COMMITTEE ON EDUCATION**

Senate Bills 974, 964, 965, and 962

February 23, 2022

IN SUPPORT

My name is Kristin Franke and I am a resident of Ottawa, WI, wife and mother of three daughters. My youngest daughter attends a new charter school, Lake Country Classical Academy, in Oconomowoc, Wisconsin. I am testifying in favor of Senate Bills 974, 964, 965, and 962.

Regarding SB974, I am in support because it is critical that parents maintain the rights pertaining to their child(ren)'s upbringing, education, religion, health care, and mental health and that measures are in place to prohibit the state from infringing on said rights. The State/Government's duty is to ensure the rights of its citizens, or those of the parents/guardians on behalf of its underage citizens, not make decisions regarding said citizens' upbringing, education, religion, health care, and mental health. Protecting the rights of parents is crucial and necessary in a free society and required to ensure good faith and trust of its citizens towards their government. There have been far too many cases of local school districts taking it upon themselves to override parental requests regarding invoking a gender reassignment protocol and new pronouns, promoting concepts and materials in schools that are inappropriate, and hiding acts of bullying, violence, and medical treatments that occur within the school from the parents. Even if these issues are few and far between, parents should still have access to all aspects of their minor children's lives without impediment. SB974 would be a great start to affirming parents' rights and implementing some safety measures against government interference and overreach in their children's lives.

Regarding SB964, I am in support because it is necessary to expand the ability to authorize independent charter schools in the state of Wisconsin. Wisconsin's charter authorization process is much more restrictive than many other states and has prevented families from the vast opportunities that charter schools can provide. Charter schools, like Lake Country Classical Academy (which already has a waitlist of over 250 families before the end of their first year), can provide families access to a quality of education that is usually only available at high-cost private schools. This enables more students the opportunity for an education that is not only excellent but is chosen because it is a good fit for the student and family. School choice allows families to enroll their students in schools where they want to be, for a variety of reasons, which not only increases diversity in the student population but creates a strong community because people want to be there and are invested in the outcome. They can provide a public education that caters to individual preference and need. Wisconsin citizens pay for the public educational services with our tax dollars and should have input on how that

money is used for the education of our children. We have the right to choose what school and education model is best for our kids and should not be expected to both pay taxes *and* exorbitant private school costs (that are simply not even feasible for the majority of citizens). So many families want this, as is evidenced by the waitlists for these charter schools.

Personally, I can attest that having the option to attend the new charter school, Lake Country Classical Academy in Oconomowoc, Wisconsin, had been an absolute answer to prayer and a blessing for our family and hundreds others. Our family has pursued a classical education model since our 20-year-old became school age. Due to the lack of classical options locally and the high cost of the few private options available, we chose to homeschool our children, which was beautiful but required many sacrifices. With my older children off in high school and college, Lake Country Classical Academy has proven the best option for in-person schooling for our youngest daughter and has far exceeded all of our expectations in terms of the quality of the curriculum, the instructors, the administration, and community. In just a few short months, LCCA has already created an atmosphere that is rich, welcoming, and inculcates a love of that which is true, good, and beautiful in its students. This school is already enriching the lives of more than 400 students from several counties, with hundreds more lined up. This would not have been possible for all of these families without the public charter process, but because of numerous roadblocks in the existing WI charter authorization process, this school almost did not exist. That is why the WI charter authorization process needs to be expanded.

Regarding SB965, I am in support of the proposed modification because it will expand the ability to create more high quality authorized charters. If a charter school is performing at a high level, it follows that the process to open more of those high-performing schools should be simplified and expanded.

Regarding SB962, I am in support because it provides more avenues for school choice by removing income limits for parental choice and participation limits in the WPCP, thus increasing the number of eligible families, as well as providing an education expense reimbursement program that will allow more opportunities and educational options for families.

In closing, I am in support of Senate Bills 974, 964, 965, and 962 because they protect parents' rights regarding their children and allow for more high quality educational opportunities via charter schools and school choice. Thank you for considering this testimony.

Sincerely,



Kristin Franke
414-403-0902
kfranke@wi.rr.com