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High-Quality Charter Authorizing Policy Profiles: **Wisconsin**

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Wisconsin: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).ⁱ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State’s authorizing policies and practices; it is intended to describe the key elements of the State’s policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

Overview of State Law

The Wisconsin legislature passed the State’s charter school law (also known as Act 16) in 1993. Under this law, no more than 20 charter schools could be established statewide, with no more than two schools per district. In addition, school boards needed the approval of the State Superintendent of Public Instruction to establish charter schools; and newly approved schools were required to show significant progress toward operating by the beginning of the following school year.ⁱⁱ

Under Act 27, which was passed in 1995, all of the above mentioned restrictions on the number of charter schools and requirements for approval by the State Superintendent were repealed.ⁱⁱⁱ In 1997, the law was amended again to establish the Milwaukee charter school program and authorized the City of Milwaukee, the University of Wisconsin-Milwaukee (UWM), and the Milwaukee Area Technical College (MATC) to create independent charter schools within the Milwaukee Public Schools (MPS), “with the state making per pupil payments to the operators of the schools.”^{iv} Subsequent changes to the law were made in 1997, and included provisions such as (i) requiring school boards to consider the fiscal effect on the district before establishing a charter school and (ii) permitting districts to contract with a cooperative educational service agency (CESA) to establish a charter school.^v

In 2013, “the legislature expanded the locations of charter schools authorized by the University of Wisconsin-Milwaukee to include charter schools located within Milwaukee County or in an adjacent county.”^{vi} Under 2015 Act 55, five new entities were allowed to authorize independent charter schools: (i) the Office of Educational Opportunity (OEO) in the UW System; (ii) the Gateway Technical College District Board; (iii) the College of Menominee Nation; (iv) the Lac Courte Oreilles Ojibwa Community College; and (v) the County Executive of Waukesha County. Under 2017 Act 59, any UW Chancellor (in addition to the UW-Milwaukee and UW-Parkside Chancellors under current law) and any technical college district board (in addition to the Milwaukee and Gateway Boards under current law) could authorize charter schools.^{vii}

State Authorizing Profile: Wisconsin

Framework Snapshot¹

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): Wisconsin Statute 118.40 Authorization

¹ As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Does not cap charter school growth

Wisconsin statute does not include caps for most charter schools. It only includes caps on charter schools authorized by the College of Menominee Nation and the Lac Courte Oreilles Ojibwa Community College—which may not exceed six charters combined.

Provides for more than one authorizing pathway

Wisconsin statute provides for many authorizing entities. All school boards in the State of Wisconsin may serve as authorizers and are required to “solicit and evaluate charter school applications.”^{viii} All of the following entities may serve as an authorizer as well:

The common council of the city of Milwaukee; the chancellor of the University of Wisconsin-Milwaukee; the chancellor of the University of Wisconsin-Parkside; the Milwaukee area technical college district board; each technical college district board other than the Milwaukee area technical college district board, e.g., the chancellor of any institution in the University of Wisconsin System other than the University of Wisconsin-Milwaukee and the University of Wisconsin-Parkside; the county executive of Waukesha County; the college of Menominee Nation; [and] the Lac Courte Oreilles Ojibwa community college.^{ix}

In Wisconsin, there are also two types of charter schools—district-authorized charter schools and independent charter schools.

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Specific application criteria

State statute requires that a comprehensive set of elements be included in charter applications, including a description of the educational program, the methods the school will use to help students achieve educational goals, the governance structure of the school, and strategies for involving parents.

Timelines

State statute includes some timelines but does not specify the timelines for reviewing a charter application for all authorizers. Statute requires that school boards conduct hearings on charter applications within 30 days of receiving them for district-authorized charter schools. After the hearing, the school board must grant or deny the application within 30 days. Independent charter authorizers must notify the Department of Public Instruction (DPI) of their intention to authorize a new school by the February 1 prior to the start of the school year the school will open.

Evaluation review process

State statute does not specify review criteria or processes for all authorizers. School board authorizers must consider employee and parental support as well as the fiscal impact of the charter school in deciding whether to grant a charter. In addition, all authorizers must **“approve only high-quality charter school applications that meet identified educational needs and promote a diversity of educational choices.”**^x However, evaluation review processes and criteria are not specified for authorizers of independent charters.

Process for denied applications

State statute does not specify a process for denied applications for all authorizers. Applicants that have been denied by an authorizer may reapply to a different authorizer. However, authorizers are not required to state the reasons for the denial in a public setting. Many school board authorizers do state the reasons for denial through their school board meeting process, but they are not required to do so. Also, applicants that are denied by MPS have the right to appeal the decision to the Department of Public Instruction, but other applicants do not.

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Separate post-application agreement

State statute requires a separate charter contract that includes several provisions and that specifies “the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph.”^{xi}

Rights and responsibilities of authorizer and school

The State statute specifies both the responsibilities of the charter governing board and the authorizer. The responsibilities of the charter governing board include the following: enabling students to achieve educational goals, assessing student progress, ensuring parental involvement, ensuring staff meet specific qualifications, and ensuring the health and safety of students.^{xii} The duties of the authorizer include monitoring the performance and compliance of charter schools and annually reporting on each school’s academic and financial performance to the State Superintendent and legislature.

Academic, financial, and operational performance expectations for schools

The charter contract must include measures in all three of these areas. Specifically, the contract must indicate the methods the school will use to enable pupils to attain the educational goals specified under § 118.01 and the methods by which pupil progress in attaining the educational goals under § 118.01 will be measured.^{xiii} Charter applications must also describe how annual financial and programmatic audits will be performed.

Initial term of not more than five years

State statute requires an initial charter not to exceed five years. Future renewal terms may also not exceed five years.

Fiscal, legal, and programmatic autonomy for schools

State statute does not provide fiscal, legal, and programmatic autonomy for all charter schools; independent charter schools do have this autonomy, but district-authorized charter schools do in some cases and in some cases do not.

State statute provides that independent charter schools serve as their own local education agencies and therefore, they do have fiscal, legal, and programmatic autonomy, including the ability to do the following: (i) “to receive and disburse funds for school purposes;” (ii) “to secure appropriate insurance;” and (iii) “to enter into contracts, including contracts with a University of Wisconsin institution or college campus, technical college district board, or private college or university, for technical or financial assistance, academic support, curriculum review, or other services.”^{xiv}

For district-authorized charter schools, State statute allows the school board to determine “that the charter school is an instrumentality of the school district,”^{xv} and if it is, “the school board shall employ all personnel for the charter school.”^{xvi} Therefore, fiscal, legal, and programmatic autonomy is not required by State statute.

Independent charter school governing boards

State statute ensures that both types of governing boards have significant responsibilities, providing that for both district-authorized and independent charter schools “a charter school governing board has all the powers necessary to carry out the terms of its contract” including receiving and disbursing funds, securing insurance, and entering into contracts.^{xvii}

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract performance-based contract

Wisconsin law states that contracts must require that “the charter school governing board adhere to specified annual academic and operational performance standards developed in accordance with the performance framework of the entity with which it is contracting.”^{xviii}

Authorizers must also submit an annual report to the State Superintendent and legislature that summarizes the academic and financial performance of each charter school under their purview.

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

State statute provides a variety of vehicles for holding all charter schools accountable. The statute requires that the charter contract specify “the methodology that will be used by the charter school governing board to monitor and verify pupil enrollment, credit accrual, and course completion.”^{xix} As mentioned in the prior section, all charter schools must also meet specific academic and operational performance standards in accordance with a performance framework and authorizers must submit an annual report to the State Superintendent and legislature on the performance of each charter school under their purview.

Minimizes schools’ administrative and reporting burden

State statute does not reference minimizing schools’ administrative and reporting burden.

Authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

State statute only requires authorizers to take action for schools that fail to meet performance expectations for independent charter schools. For independent charter schools, the charter contract must include “provisions detailing the corrective measures the charter school governing board will take if the charter school fails to meet performance standards.”^{xx} Authorizers for district charter schools do not have these requirements.

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

State statute does not describe a clear renewal process or decision-making criteria.

Requires that decisions to renew/revoke be based on student academic achievement

State statute articulates a number of reasons for revoking a charter, including that “the pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals.”^{xxi}

Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

State statute does not articulate school closure procedures.

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers’ performance
- Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

Wisconsin law specifies the entities that are allowed to be authorizers and requires that all school boards “solicit and evaluate charter school applications.”^{xxii} However, the statute does not require a registration process for authorizers.

Requires the State entity to review authorizers’ performance

State statute requires that authorizers submit an annual report to the State Superintendent and legislature that includes the following information: (i) “ an identification of each charter school operating under contract with it, each charter school that operated under a contract with it but had its contract nonrenewed or revoked or that closed, and each charter school under contract with it that has not yet begun to operate;” (ii) “the academic and financial performance of each charter school operated under contract with it;” (iii) “the operating costs of the school board.”^{xxiii}

Requires authorizers to adhere to standards for high-quality authorizing

Wisconsin statute requires that authorizers consider the principles and standards for quality authorizing established by the National Association of Charter School Authorizers (NACSA), but does not require that they adhere to them.

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

Wisconsin charter statute does not require the authorizer to articulate a mission or strategic vision.

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

Wisconsin charter law does not require technical assistance or professional development for authorizers and/or charter school applicants.

Ensures equitable access to all students

State law requires that “if the capacity of the charter school is insufficient to accept all pupils who apply, the charter school shall accept pupils at random.”^{xxiv} State statute also prohibits discrimination in admissions to charter schools. Specifically, a charter school governing board may not “discriminate in admission or deny 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.”^{xxv} However, State law allows charter schools to have admissions requirements, preventing equitable access in some cases.

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Wisconsin charter law does not address providing appropriate services for educationally disadvantaged students.

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

Wisconsin charter law does not provide a mechanism for guaranteed access to authorizer funding.

State has processes to hold authorizers accountable for how funding is used

In the annual report that authorizers must submit to the State Superintendent and legislature, the authorizer must include information about its operating costs, an audited financial statement, and information about the services “it provided to the charter schools under contract with it and an itemized accounting of the cost of the service.”

Endnotes

ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

ⁱⁱ Kava, R., *Charter Schools, Informational Paper 27*, Wisconsin Legislative Fiscal Bureau (January 2015). Retrieved from https://docs.legis.wisconsin.gov/misc/lfb/informational_papers/january_2015/0027_charter_schools/informational_paper_27.pdf

ⁱⁱⁱ *Id.*

^{iv} *Id.*

^v *Id.*

^{vi} *Id.*

^{vii} Kava, R., *Charter Schools, Informational Paper 27*, Wisconsin Legislative Fiscal Bureau. (January 2019). Retrieved from https://docs.legis.wisconsin.gov/misc/lfb/informational_papers/january_2019/0027_charter_schools/informational_paper_27.pdf

^{viii} WI Statute § 118.40(3m)(a).

^{ix} WI Statute § 118.40(15)(2)(b).

^x WI Statute § 118.40(3m)(d).

^{xi} WI Statute § 118.40(2m)(b)(15).

^{xii} WI Statute § 118.40(1m)(b)(15).

^{xiii} WI Statute § 118.40(1m)(b)(4) and (1m)(b)(5).

^{xiv} WI Statute § 118.40(4)(d).

^{xv} “Except as provided in par. (am), the school board of the school district in which a charter school is located shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that the charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that the charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.” WI Statute § 118.40(7)(a).

^{xvi} WI Statute § 118.40(15)(7)(a).

^{xvii} WI Statute § 118.40(4)(d).

^{xviii} WI Statute § 118.40(2r) (b)2.a.

^{xix} WI Statute § 118.40(2r) (b)2.d.

^{xx} WI Statute §§ 118.40(2r)(b)2.b and 118.20(2r)(b)2.b.

^{xxi} WI Statute § 118.40(5)(b).

xxii WI Statute § 118.40(3m)(a).

xxiii WI Statute § 118.40(3m)(f)(1)-(4).

xxiv WI Statute § 118.40(3)(g)(1).

xxv WI Statute § 118.40(4)(b)(2).