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FEATURE ARTICLE

Wisconsin's Number of Charter Schools Among Nation's Leaders; Autonomy Lags

By John Bray, National Charter School Resource Center

In 1993, Wisconsin was among the first states to pass a charter school law, and the current inventory of 236 charter schools is among the largest of any state. There is no cap on the number charter schools, and routes to authorization for charter school applicants could increase with passage of state [Senate Bill 22](#), which would establish a statewide authorizer and allow so-called cooperative educational service agencies to authorize charter schools. Authorizing options other than school districts have been growing since 1997 and now include the city of Milwaukee, the University of Wisconsin–Milwaukee, Milwaukee Area Technical College, and the University of Wisconsin–Parkside, which is approved for a single charter. The bill also includes provisions covering funding, teacher certification requirements, and enrollment in online or virtual charter schools. A 2010 [report](#) by the Wisconsin Legislative Audit Bureau said spending in 2007–08 totaled \$17.8 million for 15 virtual charter schools serving 2,951 students, with a 5,250-student enrollment cap.

The U.S. Department of Education, through its [Charter School Program State Educational Agencies Grant](#) from 1996 to 2009, awarded \$103.7 million to support Wisconsin charter schools. In 2009, the state was authorized to receive \$86 million over five years through the program. In August 2011, Wisconsin Department of Public Instruction (DPI) Superintendent Tony Evers [announced](#) \$6 million in grants from the federal aid, including \$4.5 for planning for 23 charter schools.

Growth Versus Autonomy

Most charter school applications are viewed favorably, according to Robert A. Soldner, Director of School Management Services for DPI. He oversees DPI's [charter schools program](#). "You're trying different things," Soldner said. "When it doesn't work, you're closing them down and trying the next method."

Some school districts have declining enrollment. "They know they can't sustain the existing system," Soldner said. "So charters give them an opportunity on a smaller scale to figure out how they can survive." Among the planning grants approved by the state is a project in rural Wisconsin to develop an agricultural-based charter school in Fox Lake, a rural part of the state. An elementary school building that was shut down two years ago by the Waupun Area School District in the wake of budget deficits is targeted as a location, according to Fox Lake Mayor Tom Bednarek.

Despite numerical growth, more autonomy and accountability are needed for the state's charter schools to fulfill their mission, according to Todd Ziebarth, Vice President of State Advocacy and Support at the [National Alliance for Public Charter Schools](#) (NAPCS). Ziebarth estimates that just over a dozen charter schools in Milwaukee and "a handful outside are actually real charters." Wisconsin ranks [34th](#) among the states for how faithfully its law reflects the NAPCS model law.

“What we’ve seen too often is districts create new kinds of programs and/or take existing programs and make them charters, get the federal grant money, and, once the federal grant program runs out, they close the program,” Ziebarth said. “Districts really have viewed it as a way, to their credit, to offer different kinds of programs,” Ziebarth said. “It’s just, from our perspective, they shouldn’t be using federal dollars reserved for charter schools to do it.”

Soldner said the state has worked to clearly convey eligibility standards for federal start-up grants. “Wisconsin, just like many other states, raised the bar for charter school creation to continue to be competitive and eligible for federal start-up funds,” Soldner said.

Unions and Charters

The role of teachers unions and the impact on charter schools is in flux. Most teachers in the state are unionized, but a new law now limits collective bargaining to wage issues. School districts can choose whether workers at a charter school they control, a so-called instrumentality charter, are employees of the district or the charter school. It makes a difference, for example, when it comes to who gets bumped during layoffs. If the charter school does not have a memorandum of understanding with the collective bargaining unit, then the charter school might have to go by union seniority rules instead of its own decisions. Charter school teachers who are not employees of the district cannot participate in the state’s retirement system, but that could change under pending legislation (Senate Bill 22).

Sarah Granofsky Toce, Acting Executive Director of the [Wisconsin Charter Schools Association](#) (WCSA), said layoff bumping cascades in some district-controlled charters have completely changed the makeup of staffs from those who chose the charter to those who are simply taking open positions and are not necessarily enthusiastic about the approach. Going to an independent charter school may mean more freedom but also likely lower pay, except in those charter schools with strong outside fundraising, according to Toce.

The fate of surplus school buildings has taken a favorable turn for charter schools, according to Ziebarth. He noted a law adopted in 2011 that puts disposition of about 30 surplus school facilities in Milwaukee in the hands of city officials, not the Milwaukee Public Schools (MPS).

Evaluating Wisconsin’s Charters

Milwaukee has been studied by the [School Choice Demonstration Project](#) of the Department of Education Reform at the University of Arkansas. *The Comprehensive Longitudinal Evaluation of the Milwaukee Parental Choice Program: Summary of Fourth Year Reports* of 2011 found that charter schools that are independent of MPS (16 of the city’s 51 charter schools) “are generating significantly higher rates of achievement growth for their students compared to similar students in MPS.” The report states that four of those charter schools had been private schools participating in the choice program and that “achievement gains at those private-to-charter conversion schools were especially high.”

Soldner said that a required outside evaluation of the state’s charter schools program is due at the end of the current school year and will be done by [John Witte](#) of the University of Wisconsin–Madison.