

# Instrumentality Charter Schools In Wisconsin

## History of Charter Schools

- In March of 1987 in an address to the National Press Club in Washington, D.C., Albert Shanker, President of the American Federation of Teachers, first proposed the creation of “charter schools” – publically funded institutions that would be given greater flexibility to experiment with new ways of educating students
- Minnesota was the first state to pass a charter school law
- City Academy in St Paul, MN established in 1990 was the first charter school in the country
- Wisconsin passed its first charter school law in 1993
- In 2007, the Wisconsin Department of Public Instruction listed 231 charter schools serving about 40,000 students
- In 2005 about one million students attend 3400 public charter schools in 41 states

## Purpose of Charter Schools – Autonomy for Accountability

- To provide high quality educational choices for students and parents
- To provide unique options and educational opportunities for students
- To foster educational change and increase student achievement
- To create partnerships to maximize opportunities and resources

## Reasons for Charter Schools

- Traditional schools do not meet the needs of all students
- Charter schools provide unique opportunities for area students
- Charter schools can use unique curricular and delivery models
- Charter schools allow for greater participation in the decision making process and/or collaboration with community members, business partners, educational partners, and parents
- Recent realities:
  1. Competition (not only from the existing private and parochial school systems, but also from anyone with a good and financially viable idea.)
  2. Financial issues
  3. Virtual schools
  4. Charter schools vs. vouchers
  5. Multiple chartering entities

## **Types of Wisconsin Charters**

- Instrumentality
  1. Staff is employed by chartering school district
  2. Staff is eligible for the state retirement system
  3. Can be a 501(c)3 non-profit corporation
- Non-instrumentality
  1. Staff is employed by the charter school governing board
  2. Staff is not eligible for the state retirement system
  3. Usually is a 501(c)3 non-profit corporation
- Milwaukee and UW Parkside Independent Charter Schools

## **Current Ways to Establish a Charter School in Wisconsin**

- Petition to the school board
- School board initiated

## **Objectives of Wisconsin Legislation**

(“ Charter Schools” by Joanne Harmon Curry, November 14, 2007)

- Provide options for students and parents
- Encourage the development and implementation of innovative teaching methods through increased flexibility and freedom from regulation
- Improve education by increasing competition
- Provide increased accountability

## **History of the Wisconsin Charter Law - Wis. Stat. 118.40**

(Note: for more details see Informational Paper 31 – “Charter Schools, Wisconsin Legislative Fiscal Bureau,” January 2007)

- The first Wisconsin Charter School law passed in 1993. It allowed 10 districts to each establish 2 charter schools. The districts were to give preference to schools for at-risk students.
- The law was expanded in 1995 to allow all districts in the state to charter an unlimited number of charter schools.
- The law was expanded in 1997 to allow the City of Milwaukee, the Milwaukee Area Technical College and UW-Milwaukee to serve as chartering entities for schools established in Milwaukee and to allow for profit providers
- The laws related to charter schools in Milwaukee were revised in 1999
- The law was again expanded in 2001 to allow UW-Park Side in Racine to establish a charter school.

## **Statutory Limits on Wisconsin Charter Schools – Wis. Stat. 118.40(4)**

- May not charge tuition
- May not be a converted private sectarian school
- May not discriminate in admission policies
- Must have voluntary enrollment
- Must comply with all federal education laws (i.e. NCLB, IDEA, OCR, etc.)

- Must administer state tests (Wis. Stat. 118.40(2r)(d))
- Must adopt a policy specifically stating promotion and graduation requirements
- Must provide information for the annual state performance report
- Must ensure all “instructional staff” hold a DPI teaching license or permit Wis. Stat. 11.840(2r)(d)
  1. Includes: all professional employees with direct contact with students or the educational program
  2. Includes - teachers, librarians, pupil services staff, and administrators supervising licensed staff
  3. Special charter instructional permit may be requested if person has a bachelor’s degree but does not have a DPI teaching license (Wis. Administrative Code PI 34.34)
- May be for single sex or provide one or more courses for one sex if the school board makes available to the opposite sex the same schools or courses with admission qualifications and policies that are comparable
- Contract must stipulate a dollar amount per year that the charter school will receive for each year of the contract (118.40(3)c)

### **Flexibility Allowed under Wisconsin Law**

- Exempt from state statutes 115-121 unless the statute specifically states that it applies to charter schools (Wis. Stat. 118.40(7)(b), Examples of possible exemptions include:
  1. Length of school year or day
  2. Minutes of instruction
  3. Calendar

### **Special Education for Wisconsin Instrumentality Charter Schools**

- LEA (local school board authorizing the charter):
  1. Retains responsibility for IDEA compliance
  2. Provides SPED services and auxiliary aides or contract must stipulate how services will be provided to meet federal law
  3. Must provide the same type and level of services as provided to students in other schools serving similar grade levels
- The charter school:
  1. Must comply with federal laws, including special education
  2. May not discriminate in recruitment or administration in any way including disability
  3. Must not counsel students out based on disability
  4. Must provide an accessible facility

### **No Child Left Behind (NCLB) Requirements**

- Must:
  1. Meet adequate yearly progress (AYP)

2. Meet accountability provisions or NCLB
- May include AYP goals in the contract, but they are NOT required

### **Accountability Measures**

- Held accountable through charter law and accountability measures established in the contract (The essence of chartering is “Accountability for Freedom”)
- Must meet federal school related laws and requirements
- Must pass authorizer, state and federal audits
- Must comply with federal and state accountability measures and with grant assurances if grant funds are accepted

### **Reasons a charter (contract) can be revoked:**

- The charter school violated its contract with the authorizer
- The charter school students did not make sufficient progress toward attaining state goals
- The charter school failed to comply with generally accepted accounting standards of fiscal management
- The charter school violated the state charter school law

### **Summary - A charter school in Wisconsin is:**

- A public school
- Non-sectarian
- Free - cannot charge tuition
- Created through a contract or “charter” between the operators and authorizer
- Exempt from most state statutes (115- 121) which govern K-12 public schools
- Autonomous (autonomy for accountability)
- Free to experiment with curriculum, schedules, methods of instruction, staffing patterns, etc.
- Allowed to establish policies different from its authorizer
- Required to comply with federal laws and regulations such as the Individuals with Disabilities Education Act (IDEA), Family Education Rights and Privacy Act (FERPA), and Office of Civil Rights (OCR), etc.
- Accountable for the goals, measures and standards established in the charter
- Required to participate in state accountability tests required under No Child Left Behind (NCLB), namely the Wisconsin Knowledge and Concept Exam (WKCE)
- Required to comply with federal and state health and safety requirements
- Required to use a lottery to admit students if more qualified students apply than can be served
- Required to comply with state and federal audit requirements
- Required to operate within the confines of the state charter school law and the local charter agreement

- Required to stipulate in the contract “an amount per year” that the school will receive (Wisconsin State Statute 118.40(3)c)
- Required to meet the federal definitions of autonomy and the definition of a school if it is seeking or receiving federal Charter School Program (CPS) grant funding
  1. Autonomy - authority over setting policies, determining the curriculum, establishing and providing over-site of the budget and financial operations of the school, hiring and supervision of staff, and evaluation of the staff, administrator and program
  2. Autonomy – less than 50% of the governing board of the charter school are district employees
  3. Definition of a school – provides over 51% of the students education in core academic subject areas

### **Unique characteristics of Charter Schools**

- Have a separate governing board which has the authority as set forth in the contract to determine:
  1. Governance process
  2. School policies
  3. Budget
  4. Contracts as specified in its by-laws and charter
  5. Staffing selection and supervision (within union master agreement or MOU with charter, district and union)
  6. Admissions criteria
  7. Methods of student, program and administrative assessment
  8. Educational program(s)
  9. Discipline process
- Perform a contracted service for an established amount as set forth in the charter contract
- Secure funds from the charter contract, state and federal entitlements/grants, donations, and other private sources
- Receive a fair share of state and federal entitlement and grant funds
- Receive an amount for each year of the contract as stipulated in the charter {Wisconsin state statute 118.40(3)(c)}
- Provide for student/parent choice and competition within the educational marketplace
- Cannot require students to attend
- Can be closed by the charter authorizer if the charter school does not comply with charter law and/or does not meet the accountability terms of the contract

## How Charter Schools Differ from Programs/Alternative or Magnet Schools

- Shift of control from district board, administration and staff to charter board

<b>Charter School</b>	<b>Program/Alternative or Magnet School</b>
Governing Board has over-site	District Administration has over-site
School has autonomy	District maintains control
Governing Board establishes policies	Follows district policies
Governing Board sets budget within contracted amount	District establishes and controls budget
Governing Board determines/approves expenditures	District approves expenditures
Governing Board evaluates administrator	District evaluates administrator
Governing Board evaluates the educational programs of the school	District evaluates the educational programs of the school
Governing Board determines policies and processes (such as admissions, calendar, discipline, etc.)	Follows district policies and processes

## Characteristics of a High Quality Charter School

- High student achievement
- Financial Stewardship
- Responsible governance
- Autonomy

## Advantages of Charter Schools

- For students
  1. Allows additional educational options/choices for students
  2. Provides opportunities for post secondary credit, alternative delivery models, business/school partnerships, community collaboration, shared resources

- For the authorizer
  1. Provides additional opportunities for students
  2. Provides additional resources through CPS funding and other grants and donations
  3. Maintains the district as a player at the table (instrumentality)
  4. Maintains student count and state aid (instrumentality)
- For the Community
  1. Provides additional options
  2. Provides opportunities for collaboration
  3. Provides an opportunity for parent and public participation in education at the decision making level
  4. Fosters change and serves as an on-going restructuring mechanism

## **Additional Resources**

### **Wisconsin Charter Schools Association**

[www.wicharterschools.org](http://www.wicharterschools.org)

- Information on Wisconsin charter school best practices
- Publications
  1. "Governance of Instrumentality Charter Schools in Wisconsin" (2008)
  2. "Template for Alignment of the Curriculum to the Wisconsin State Standards" (2006)
  3. A Sample Alignment to the Wisconsin State Standards using the Montessori K-5 Lessons (2007)
  4. An Elementary (K-5) School Book Room List Sorted by Theme, Title and Reading Level (2006)

### **Department of Public Instruction – Charter Schools**

[www.dpi.state.wi.us](http://www.dpi.state.wi.us)

- Grant Information
- Federal Requirements for Grant Funding
- Primer - Special Education in Wisconsin Charter Schools

### **US Department of Education**

[www.ed.gov](http://www.ed.gov)

- Federal policies and non-regulatory guidance documents
- Federal grant guideless and requirements

## **Education Evolving**

[www.educationevolving.org](http://www.educationevolving.org)

- Policy positions, papers, and discussions related to school change

## **National Alliance for Public Charter Schools**

[www.publiccharters.org](http://www.publiccharters.org)

- General information and assistance related to charter schools
- Information related to quality including individual schools and authorizers

## **National Association of Charter School Authorizers**

[www.qualitycharters.org](http://www.qualitycharters.org)

- Information related to quality including individual schools and authorizers

## **US Charter Schools**

[www.uscharterschools.org](http://www.uscharterschools.org)

- General Information and Assistance Related to Charter Schools for planners, implementers and authorizers
- Information related to quality including individual schools and authorizers

## **National Association of State Directors of Special Educations (NASDSE)**

[www.nasdse.org](http://www.nasdse.org)

- Primer -Wisconsin State Charter School Special Education Primer
- Primer - Special Education in Virtual and Other Specialty Charter Schools
- Primer - Schools Exclusively for Special Education Students