



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 16, 2022

Chairman Thiesfeldt and members of the Assembly Committee on Education,

Thank you for the opportunity to testify today in favor of Assembly Bill 967, a proposal by Representative Wittke and Senator Darling 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

AB 967 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 AB 967 helps meet that demand.

Thank you,

Libby Sobiech

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/>



Alberta Darling

Wisconsin State Senator · District 8

Testimony before the Assembly Committee on Education Assembly Bills 967 & 968

Thank you Chair Thiesfeldt and committee members for taking the time to hear Assembly Bills 967 and 968.

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.

Assembly Bills 967 and 968 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. Assembly Bill 967 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 Assembly Bills 967 and 968. I hope to have your support.

CITY FORWARD COLLECTIVE

111 West Pleasant Street, Suite 101
Milwaukee, WI 53212
414.988.5359 | cityforwardcollective.org

February 13, 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 AB 967/SB 965 and AB 968/SB 964, both of which address charter school authorizing.

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

- a. AB 967/SB 965 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



TO: Members, Assembly Committee on Education

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

DATE: February 16, 2022

RE: Support for Assembly Bill 967 & Assembly Bill 968

Wisconsin Manufacturers & Commerce (WMC) appreciates the opportunity to submit written testimony in support of Assembly Bill 967 and Assembly 968. We thank Representative Wittke and Senator Darling 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.

Assembly Bill 967 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. Assembly Bill 968 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 Assembly Bill 967 and Assembly Bill 968 to ensure our state's youth have access to increased educational opportunities.



**Testimony to the Assembly Education Committee
Opposition to Assembly Bills 966, 967, 968, 970, 971, 975**
submitted by the
Wisconsin Education Association Council
February 10, 2022

The Wisconsin Education Association Council, representing teachers and education support professionals in Wisconsin Public Schools, are opposed to Assembly Bills 966, 967, 968, 970, 971 and 975. These bills are circulating at a time when lawmakers should be working with parents and educators to help our students and develop sustainable solutions to the exodus of educators leaving the classroom. The following is a quote from WEAC President and teacher Peggy Wirtz-Olsen:

“Legislators need to stop politicizing our schools and pitting families against each other with divisive proposals. The supporters of these bills are making an already difficult job that much more complicated for educators. These bills are reckless and could cause the destruction of our public school system.

“The people who know best how these proposed laws would impact public schools – educators – can’t even attend the public hearing to give input because they are at work – keeping schools open and teaching students. We have not been consulted nor given time to educate the bills’ sponsors on the consequences of these bills on our students and classrooms. The bills’ sponsors are urged to take time to discuss these proposals with the front-line professionals who teach the children.”

Peggy Wirtz-Olsen, President
Bob Baxter, Executive Director

Dear Representative Thiesfeldt,

I am writing to you today to ask for your support of education bills AB 966, 967, 968, 970, 971 and 975. As a parent of a child enrolled in a Wisconsin public school, I believe legislation is the only way to restore parental rights in our schools. As things stand now, I have little faith in our public schools, and I see no evidence that DPI wants to operate with parental input into our schools. I want parents and taxpayers to have a say in our children's education – not a faceless bureaucracy. I believe these bills are a step in the right direction. Thank you for giving parents a much needed voice.

Doug Dyer
Elmbrook Parent and Resident

Dear Representatives,

I am writing to you today to ask for your support of education bills AB 966, 967, 968, 970, 971 and 975. All of these bills are vital to maintaining the integrity of our educational system. Wisconsin parents have lost all faith and trust in our government schools and DPI. These bills help to give authority back to the parents, taxpayers and stakeholders, to determine what is best for our children's education. Thank you for your service and commitment to improving our K-12 education system, and for helping to get Wisconsin schools back to success.

Most Sincerely,

Heidi Anderson
Brookfield, WI

Dear Representative Thiesfeldt,

I am writing to you today to ask for your support of education bills AB 966, 967, 968, 970, 971 and 975. All of these bills are vital to maintaining the integrity of our educational system. Wisconsin parents have lost all faith and trust in our government schools and DPI. These bills help to give authority back to the parents, taxpayers and stakeholders, to determine what is best for our children's education. Thank you for your service and commitment to improving our K-12 education system, and for helping to get Wisconsin schools back to success.

Emily Donohue
Elmbrook Parent and Resident

Dear Representatives,

I am writing to you today to ask for your support of education bills AB 966, 967, 968, 970, 971 and 975. All of these bills are vital to maintaining the integrity of our educational system. Wisconsin parents have lost all faith and trust in our government schools and DPI. These bills help to give authority back to the parents, taxpayers and stakeholders, to determine what is best for our children's education. Thank you for your service and commitment to improving our K-12 education system, and for helping to get Wisconsin schools back to success.

Thank you.
Eric Valk
950 Chester St.
Brookfield, WI