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TO: Legislative Council Special Committee on Charter Schools  
FROM: Sheri Krause, Legislative Services Coordinator  
DATE: October 17, 2006  
RE: WASB Charter School Position

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The Wisconsin Association of School Boards (WASB) supports charter schools authorized by public school boards and efforts to ensure that charter schools serve their original, intended purpose – to foster greater innovation in traditional public schools for the benefit of all students.

#### **WASB Support of Charter Schools**

The members of the WASB have taken the following position regarding charter schools:

The WASB supports charter schools for experimental and innovative programs provided:

- (a) The school board is the sole chartering agency.
- (b) Exemptions from many state “input-type” standards and restraints are allowed in exchange for accountability to clear and high standards of student outcomes.
- (c) Funding arrangements are determined by the school board and charter school.
- (d) Charter schools are required to maintain health and safety standards for pupils and staff, operate as nonsectarian entities, and be open to all district students without charge for tuition regardless of ethnicity, national origin, gender or disability.

School board members support charter schools. The first charter school was authorized in Wisconsin in 1994. By the 2005-06 school year, there were 183 operating charter schools, the vast majority approved by local school boards. According to the most recent legislative report on charter schools from the Department of Public Instruction (DPI), Wisconsin ranks 7<sup>th</sup> in the nation in the number of operating charter schools.

The charter school law has allowed some Wisconsin school districts to create some very unique programs and target select groups of students. CESA 12 in northern Wisconsin is looking at creating a charter school consortium to keep their schools alive. Combined with the open enrollment law, the charter school law has played a large role in the rapid expansion of virtual education in Wisconsin.

#### **School Board Approval of Charter Schools**

Wisconsin school boards have a high rate of approval for charter school petitions at both the initial planning level and at the secondary level for implementing a charter or seeking start-up funds. Much of the credit, of course, needs to go to the charter school advocates for their extensive and exhaustive work in advancing their proposals.

#### Charter School Petition Approval Rate:

School Year	Level 1 Approval Rate	Level 2 Approval Rate
2003-04	97.3%	98%
2002-03	91%	100%
2001-02	98.2%	53.6%

In addition, the charter school approval process has been repeatedly commended. According to the most recent legislative report on charter schools from the DPI, “a recent report evaluating the role and processes of authorizers in 24 states gave Wisconsin above average scores for every criterion used to evaluate the charter approval process. Respondents in this study described the approval process in Wisconsin to be nonpolitical and focused on application quality.”

#### Approval Process Challenges

Getting a charter school petition approved by a school board can be a long, difficult process, especially now that school districts have been under revenue limits for thirteen years and more than 60 percent are in declining enrollment. Last year, nearly 50 school districts had lower revenue limits than the year before even after the per-pupil adjustment was made.

On top of budget cuts, school boards are facing increasing expectations at both the state and federal levels to make research-based decisions. Now, more than ever, school boards are scrutinizing programs to ensure that they will contribute to student achievement.

Thus, when school boards consider a charter school application, they must consider the impact on the student body as a whole and the taxpayers. That’s their job as locally elected officials – to make the difficult K-12 educational decisions for their communities and balance the needs of taxpayers, students and staff.

As a result, the WASB opposes initiatives to allow other entities to authorize charter schools and allow local school board decisions to be appealed and overturned. At a time, when school districts across the state are closing schools, school board members are particularly concerned about proposals to allow their decisions to be overturned and charter schools mandated to be in their communities by individuals not accountable to their communities.

#### Purpose of Charter Schools

The original, intended purpose of charter schools was to allow experimentation and spur innovation in our public schools with the goal of improving student achievement. Charter schools were to be living laboratories where educators could test different educational strategies and innovative curriculums. Thus, school boards were allowed to authorize and implement schools exempt, with certain exceptions, from the laws and rules found in Chapters 115-121 of state statutes.

In recent years, there has been legislation introduced to expand the number of authorizers for public charter schools and that recommendation has been made again to this committee. If this committee agrees that it should be the goal of the state to create more public schools exempt from Chapters 115-121 of state statutes outside of the traditional democratic process in order to improve student achievement, then the legislature should take a closer look at the laws and rules in Chapters 115-121 of state statutes that are imposed on traditional public schools.

### **Charter School Funding**

There has also been a recommendation made to the committee to increase funding for independent charter schools. As a reminder, under current law, funding equal to the estimated payment each year for these charter schools is reduced proportionally from the general school aids paid to all school districts in the state. If payments are increased beyond the current formula, which is tied to the percentage increase in general school aids that school districts receive, school districts will need to levy to make up the lost revenue.

In addition, it has been proposed that school districts provide transportation for all students attending charter schools. While state transportation categorical aid could undoubtedly be used for such purpose, transportation categorical aid reimburses school districts for only around 10 percent of their costs of providing transportation. Due to increasing costs, transportation expenses are consuming a larger portion of school district budgets. Some sparsely populated districts are already spending over 10 percent of their total budgets on daily busing. Adding to school districts' transportation requirements will exacerbate these costs and allow districts to spend less in the classroom.

### **WCSA Policy Recommendations**

In addition to the major recommendations from the Wisconsin Charter School Association which were addressed above, there were four policy recommendations presented at your last meeting:

1. Effective for school district-authorized charter schools created after July 1, 2007, require that a legal entity (i.e. incorporated organization) representing the charter school enter into the contract with the school district authorizer.
2. Repeal provisions in current law that limit the opportunity for all schools within a district to be charter schools.
3. Provide that all charter school employees will be eligible to participate in the state retirement system.
4. Provide that prior to revoking or non-renewing a contract for the operation of a charter school, the authorizer will give the charter school written notice of the reasons and an opportunity to be heard.

The first and the fourth items relate to specific contracting rights and would require written notices and hearings. The WASB advises caution in expanding the contracting rights of charter schools. While school personnel would argue that contracting rights are important job security provisions, many school board members would argue that contracting rights have hindered the ability of their administrators to remove ineffective teachers from the classroom. So, please ensure that any proposals are thoroughly vetted for their full legal ramifications to ensure that charter schools are not given greater protection than the students they are serving.

The third item would allow all charter school employees to be eligible to participate in the state retirement system. The WASB is concerned about the practical implementations. The WASB would be opposed to requiring independent charter schools employees to be considered school district employees for the purposes of accessing the Wisconsin retirement system.

Thank you for your consideration.