

Charter Bill Erodes Local Authority

Charter schools are public, non-sectarian schools that exist through a performance contract (called a “charter”) between an “authorizer”—a sponsoring school board or other chartering authority—and the governing board/operator of the charter school. A charter school is not merely a program within a school. It is a separate school. Generally, students enroll in charter schools through an application process. They are not randomly allocated to charter schools.

Charter schools are exempt from most state rules and regulations in exchange for greater accountability for results. The “charter” defines the missions and methods of the charter school. The chartering authority holds the charter school accountable to its charter.

Charter schools are creations of state law. Since our state Legislature legalized charter schools in 1993, with limited exceptions, locally elected school boards have been the only authorizers for Wisconsin charter schools. The exceptions, applicable in Milwaukee and surrounding counties, are “independent charter schools,” so named because they are authorized independently of the local school board.

Overall, Wisconsin public school districts operated 215 charter schools in 2012-13, enrolling over 35,000 students. Wisconsin school boards authorized 21 new charter

schools in 2012-13, and 22 more new charter schools in 2013-14. Clearly, new charter schools are coming on line in districts throughout Wisconsin.

A substitute version of Senate Bill 76, currently before the Legislature and **opposed** by the WASB, eliminates a requirement that school boards consider the fiscal impact of the establishment of the charter school on the school district when faced with a petition for a charter school.

It further requires school boards to “replicate” any existing charter school with a “proven track record” (as defined in the bill) during the two immediately preceding school years upon a formal request of the charter operator—regardless of local community needs or wants related to another charter school.

If enacted, this “replication” mandate would direct local school boards to create new charter schools and further mandate with whom boards must contract to operate those charter schools. There would be no need to prove demand for another charter (such as a waiting list), or for the charter school operator to demonstrate that it has the fiscal and operational capacity to operate another charter in the district.

The definition of whether a charter school has a “proven track record” is flawed. It ignores student learning growth or the narrowing achievement gaps among different

groups of students, relying solely on a measure of student achievement of charter students compared to the rest of the district.

This is important because students in a charter school—who self-select the charter school option—may not represent the general population of a school district.

The substitute version also greatly expands the list of entities other than school boards that may contract for the establishment of independent charter schools to include UW System institutions (both four-year campuses and two-year colleges), all technical college district boards, and all CESA boards of control. Further, these entities (except CESAs) could authorize independent charters not only in the county where they are located but in adjacent counties as well.

Independent charter expansion is of concern for several reasons, including financial. Per-pupil payments to these schools (currently \$7,925 per-pupil) are funded through a draw on the general school aids otherwise payable to all districts in the state. Because local districts are allowed to levy property taxes to make up for the lost state aid—and most do so to preserve existing educational programs within their districts—expansion of independent charters results in an increase in local property taxes.

In 2012-13, payments to independent charters reduced general aid by \$59 million, about 1.4 percent statewide. This reduction will climb to roughly \$64 million in 2013-14, and will increase further if SB 76 is enacted, as additional independent charters are authorized and per-pupil payments increase.

School leaders are asked to contact their senators and to ask them to oppose the substitute version of SB 76. ■

■ School Boards Play a Vital Role

Wisconsin school boards play a vital role in creating and operating charter schools. During the 2012-13 school year, 97 school districts—nearly a quarter of Wisconsin’s 424 school districts—authorized charter schools. In two districts, Highland and Montello, all district schools are operated as charter schools.

A substitute version of Senate Bill 76 would broadly expand the entities other than school boards that may authorize charter schools and diminish school boards’ role in creating charter schools. It could also cost districts millions in state aid. □