


Opponents of Wisconsin's school choice programs have filed a lawsuit seeking to overturn Wisconsin's school choice programs.

Please find background information on the four programs attached.

Members of the media with questions are invited to contact Nic Kelly, president of School Choice Wisconsin.

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# School Choice

W I S C  N S I N <sup>TM</sup>



[schoolchoicewi.org](https://schoolchoicewi.org)



## Chronology

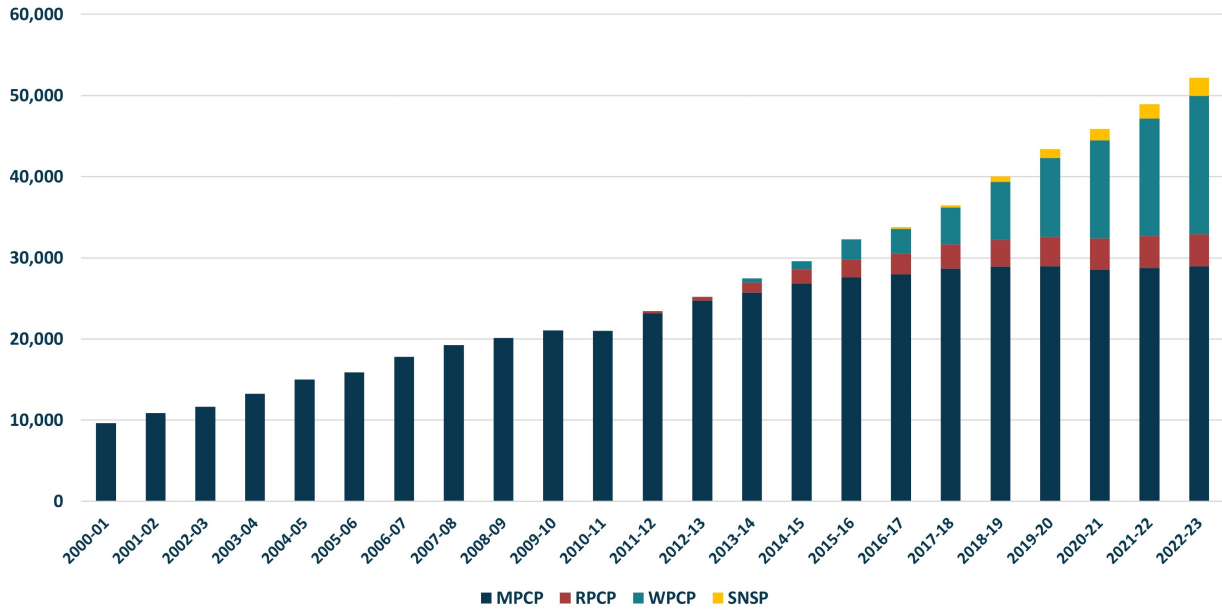
- 1990** Enactment of the Milwaukee Parental Choice Program (MPCP)
- 1992** Wisconsin Supreme Court upholds the program.  
*Davis v. Grover, 166 Wis.2d 501, 540 (1992)*
- 1995** Expansion of the MPCP to include sectarian schools.
- 1998** Wisconsin Supreme Court upholds the expanded program.  
*Jackson v. Benson, 218 Wis. 2d 835, 854 (1998)*
- 2005** Expansion of MPCP
- 2009** Enactment of expanded MPCP accountability provisions.
- 2011** Expansion of MPCP & Enactment of the Racine Parental Choice Program (RPCP).
- 2013** Enactment of the Wisconsin Parental Choice Program (WPCP) for students outside of Milwaukee and Racine.
- 2015** Expansion of the WPCP & Enactment of the Special Needs Scholarship Program (SNSP).

## Legal History

The MPCP has been the subject of unsuccessful legal challenges.

This Wisconsin Institute for Law & Liberty provides a history here <https://will-law.org/wp-content/uploads/2021/01/2013-04-22-School-Choice-Report-PR.pdf>

**Enrollment Growth**  
Choice Enrollment Growth



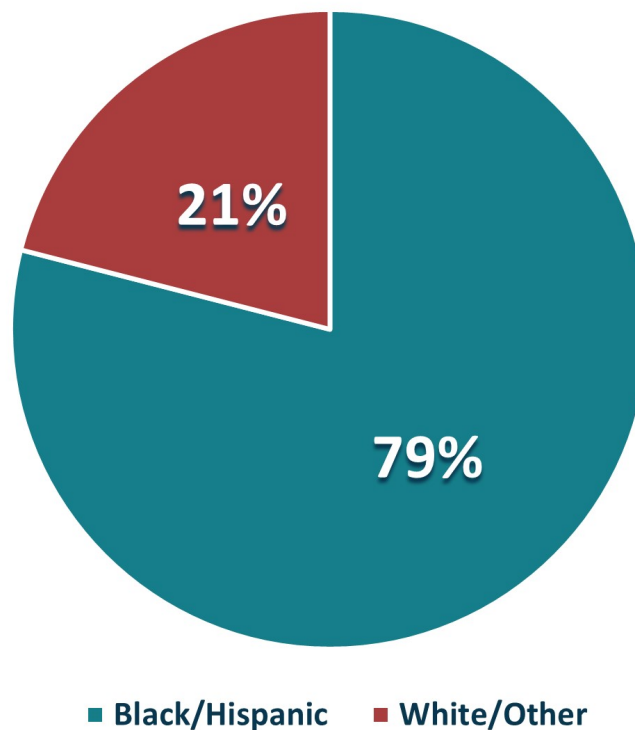
### Who Chooses?

Choice program eligibility is limited to low-income and working class families.

Students enrolled in the choice programs are three times more likely to be from Black and Hispanic families than are Wisconsin public school students. Their families are 70% more likely to be economically disadvantaged.\*

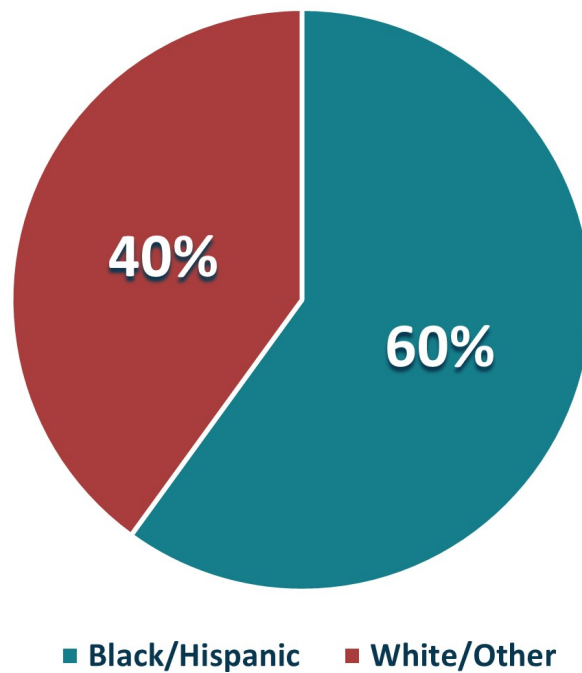
The Milwaukee and Racine programs enroll two-thirds of students participating in Wisconsin choice programs. The chart below shows the racial and ethnic makeup of the students.

### MPCP & RPCP Demographic Breakdown



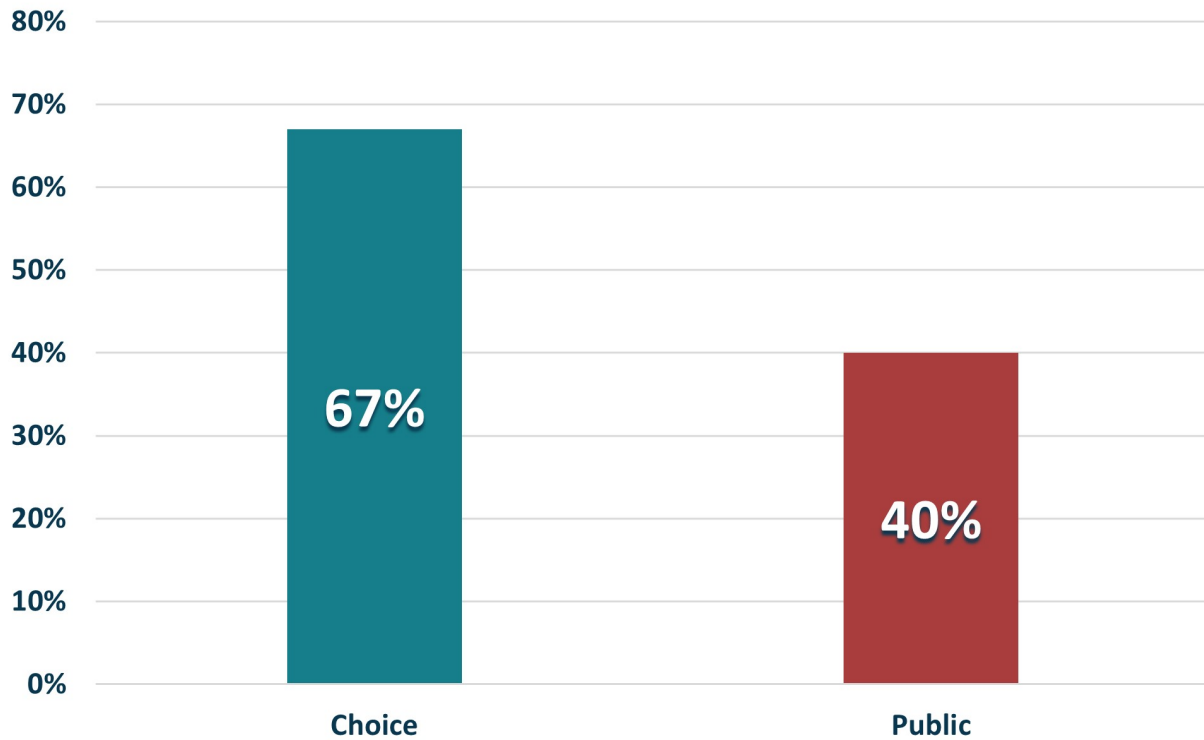
The next chart shows the statewide racial and ethnic composition of the MPCP, RPCP, WPCP, and SNSP programs.

### Wisconsin School Choice Demographic Breakdown



The next chart compares the percent of students from economically disadvantaged families enrolled in Wisconsin's four choice programs and its public schools.

### Economically Disadvantage Students Breakdown



\*per the Department of Public Instructions website "a member of a household that meets the income eligibility guidelines for free or reduced-price meals (less than or equal to 185 percent of Federal Poverty Guidelines) under the National School Lunch Program (NSLP)." <https://dpi.wi.gov/wise/data-elements/econ-status>

## Overview of Four Programs

|   | Milwaukee   | Racine  | State<br>(Outside Milwaukee<br>and Racine)           | Special Needs      |
|---|---|---|--|--------------------|
| <b>Enacted</b>  | 1990  | 2011  | 2013   | 2015               |
| <b>Enrollment 2022–23</b>                                   | 28,958  | 3,935   | 17,079   | 2,217              |
| <b>Participating<br/>Schools*</b>                           | 129   | 31  | 315  | 162                |
| <b>Eligibility</b>  | Income at/under<br>\$90,250<br>(Married Family of<br>4) | Income at/under<br>\$90,250<br>(Married Family of<br>4) | Income at/under<br>\$68,050 (Married<br>Family of 4) | No Income<br>Limit |
| <b>Enrollment Caps</b>                                      | None  | None  | None after 2025–<br>26                               | None               |
| <b>Value of Voucher<br/>(2023-24)**</b>                     | \$10,077  | \$10,077  | \$10,077   | \$15,065           |
| <b>Public School<br/>Funding Per Pupil<br/>(2021-22)***</b> | \$16,859  | \$16,859  | \$16,859   | n/a                |

\*Some schools participate in more than one of the choice programs. The total number of participating schools in 2022-23 was 373.

\*\*\$10,077 is a weighted average of \$9,893 for grades K–8 and \$12,387 for grades 9–12.

\*\*\*Per Wisconsin Department of Public Instruction. The latest year available is 2021-22.

## Public Opinion

Multiple polls show a substantial majority of Wisconsin voters support current choice programs.

Fifty-eight percent support expanding Wisconsin choice programs to all parents.

(Source: <https://www.wispolitics.com/2022/afc-marquette-university-law-school-poll-finds-majority-of-wisconsin-voters-support-school-choice-expansion/>)

Seventy-four percent of voters *across the political spectrum* oppose efforts to strike down the choice programs in court. Ninety percent of Republicans, 77 percent of Independents, and 59 percent of Democrats oppose the state Supreme Court making school choice illegal.

(Source: <https://www.wmcfoundation.org/wp-content/uploads/2023/05/05.18.23-WMC-Foundation-Poll-Memo-Education-Reform.pdf>)

### Non-Discrimination

Admission to Wisconsin's parental choice programs is open to all students in families that meet program income eligibility criteria. Private schools in the program may not screen based on academic or behavioral records or based on learning disability. If the number of applicants exceeds available space students are admitted based on a random lottery.

A recent analysis estimates that ten percent of choice students have a disability status. This finding is consistent with an in-depth 2014 academic study conducted by scholars at the University of Arkansas. It estimated a disability rate in the Milwaukee program of between 7.5% and 14.6%.

As is the case with individual public schools, the ability of schools in the private choice programs to serve all students with disabilities varies. Ultimately, the decision on whether a private choice school is able to meet a student's needs is up to the parents after consultation with the school.

The Special Needs Scholarship Program, enacted in 2015, has grown to include 162 schools serving 2,217 students.

Some online media commentaries wrongly claim that private schools in the choice programs discriminate against and even expel students with disability status. A multi-year federal investigation found no evidence to support that claim. Separately, since 2019 a total of six complaints reviewed by the Wisconsin Department of Public Instruction resulted in no finding of discrimination.

#### Sources:

1. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2107763](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2107763)
2. <https://schoolchoicewi.org/wp-content/uploads/2023/09/Serving-All-%E2%80%93-Students-with-Disabilities-in-Wisconsin-Parental-Choice-Programs.pdf>
3. <https://will-law.org/will-press-release-us-doj-ends-4-year-investigation-into-school-choice-forced-to-conclude-no-wrongdoing>

## Accountability

Private schools in the choice programs must administer the same state assessments used by public schools.

Financial transparency is required through independent GAAP and other audits. Before joining any of the programs, schools must submit detailed budgets, prove financial viability, and attend fiscal training sessions. Strict guidelines also are in place for “start-up” schools that seek to participate in the program.

Schools participating in the programs must attain accreditation by an independent agency or obtain pre-accreditation prior to joining the program. Accreditation requires schools to have degreed or licensed teachers, appropriate curriculum, accountable board governance, maintenance of student records, and a school environment conducive to learning.

Schools in the Milwaukee, Racine, and stateside programs must:

- Provide 1,050 hours of direct pupil instruction in grades 1–6 and 1,137 hours of direct pupil instruction in grades 7–12;
- Retain teachers who have a bachelor’s degree from an accredited institution of higher education and teacher aides who have a high school diploma or a GED or HSED;
- Administer background checks for all employees;
- Adopt written criteria for promotion of students from 4<sup>th</sup> to 5<sup>th</sup> and 8<sup>th</sup> to 9<sup>th</sup> grades;
- Meet state nondiscrimination policies;
- Allow students to opt out of religious programs; and
- Meet all health and safety codes.

### Results

#### *College-readiness ACT Test*

On average, private school choice students from low-income and working class families outscore public school students from all income levels.

Source: Wisconsin Department of Public Instruction – <https://wisedash.dpi.wi.gov/Dashboard/dashboard/19839>

#### *State standardized tests*

Private school students from working class Milwaukee and Racine families outscore public school students from all income levels in Milwaukee and Racine. In the statewide program (outside Milwaukee and Racine), low-income private school choice students outscore low-income public school students and have similar scores when compared to all public school students.

Source: Wisconsin Department of Public Instruction – <https://wisedash.dpi.wi.gov/Dashboard/dashboard/19861>

#### *State Report Cards*

The Wisconsin Department of Public Instruction issues annual Report Cards for public schools and private schools in the school choice programs. Per DPI, the scores reflect “data on multiple indicators for multiple years across four Priority Areas (Achievement, Growth, Target Group Outcomes, and On-track to Graduation).”

DPI Report Card scores are substantially higher for Milwaukee and Racine private schools in the choice programs when compared to Milwaukee and Racine public schools. Scores for low-income students in the statewide program are similar to scores for public schools enrolling students of all income levels.

Source: Wisconsin Department of Public Instruction – <https://apps2.dpi.wi.gov/reportcards/>

#### *Research*

High-quality studies have examined the prospects after high school for Milwaukee choice students.

1. A study for the Annenberg Institute at Brown University found: “As of 2018, [Milwaukee choice] students have spent more total years in a four-year college than their MPS peers. The MPCP students in the grade three through eight sample attained college degrees at rates that are statistically significantly higher than those of their matched MPS peers.” See this [link](#).

2. A study published in the Journal of Private Enterprise examined “the effects of Milwaukee’s school voucher program on adult criminal activity and paternity suits ... We find that exposure to the program ... is associated with a reduction of around 53 percent in drug convictions, 86 percent in property damage convictions, and 38 percent in paternity suits. The program effects tend to be largest for males and students with lower levels of academic achievement at baseline.” See this [link](#).

The Wisconsin Institute for Law & Liberty issues annual reports on the academic performance of K-12 Wisconsin students attending traditional public schools, charter schools, and private schools in the state’s parent choice programs. The fifth edition of its *Apples to Apples* report is here <https://will-law.org/apples-to-apples-2022-a-definitive-look-at-wisconsin-school-performance/>.