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# TIDAL WAVE

## EXPLORING THE RIPPLE OF ENDING SCHOOL CHOICE IN WISCONSIN

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## Executive Summary

Recently, a case filed by Minocqua Brewing Company's PAC would bring an end to Wisconsin's school choice programs if successful. There are countless reasons why this would be a negative for Wisconsin's students, but the practical implications of such a result need to be considered as well. This report examines the effect of forcing over 65,000 primarily low-income students back into the public school system, an outcome which Minocqua Brewing PAC's lawsuit seeks. Wherever possible, the report makes the most conservative assumptions possible about additional buildings and staffing that would be required.

Among the key findings:

- **Milwaukee has a shortfall of more than 17,500 seats.** Using data from an annual report submitted to the legislature, we estimate Milwaukee would need to provide 17,522 seats beyond what it currently has available.
- **Milwaukee would have to purchase about 17 additional school buildings.** Based on the highest enrollment in existing buildings at each grade grouping, the district would still need about 20 buildings of which 3 may already be owned and renovated.
- **Milwaukee would have to hire thousands of teachers.** In an era of teacher shortages, Milwaukee would need to hire about 2,398 teachers to maintain current student/teacher ratios.
- **Other districts would be impacted as well.** Racine would need to hire about 376 new teachers. Other districts around the state would need to hire about 1,359 teachers.

This report highlights that an end to school choice in Wisconsin would not be as simple as flipping a switch and returning the state to a pre-1990 world where only the wealthy could choose their preferred school. Whether one is a supporter of school choice or not, these realities have to be considered and accounted for before such a policy change can be implemented.

Recently, the Minocqua Brewing Company’s PAC filed a lawsuit that would likely result in an end to Wisconsin’s private school choice program and independent charter schools.<sup>i</sup> Obviously, the negative consequences of ending a program that offers more than 65,000 low- and middle- income students an escape from schools that didn’t work for them would have myriad negative consequences. For example, choice and independent charter schools have been found to perform better academically, and graduates have greater likelihood of graduating from college. But it is also important to examine the logistical challenge that would result if school choice came to an end.

The table below shows the number of students attending the state’s private choice schools<sup>ii</sup> and independent charters<sup>iii</sup> in each program.

**Table 1. Enrollment by Program, 2022-23 Wisconsin**

Program/School Type	Enrollment
Milwaukee Parental Choice	29,003
Racine Parental Choice	4,038
Wisconsin Parental Choice	19,205
Special Needs Scholarship Program	2,703
Independent Charter Schools	10,802
Total	65,751

To participate in the private parental choice programs around Wisconsin, students must come from families earning less than 300% of the federal poverty limit in Milwaukee and Racine and 220% in the rest of the state. For a family of four, this represents an income of less than \$78,600 per year in Milwaukee and Racine, or \$47,784 elsewhere in the state. Independent charter schools serve students of all income levels, but according to data from the most recent state report card,<sup>iv</sup> about 71% of all independent charter school students come from economically disadvantaged families. The table below is reproduced from DPI<sup>v</sup> and shows the income limits at varying family sizes.

**Figure 1. Income limits-MPCP, RPCP, and WPCP (DPI Graph)**

Private School Choice Programs Eligibility Income Limits		
Family Size	MPCP and RPCP Yearly Income*	WPCP Yearly Income*
1	\$38,280	\$28,072
2	\$51,720	\$37,928
3	\$65,160	\$47,784
4	\$78,600	\$57,640
5	\$92,040	\$67,496
6	\$105,480	\$77,352
For each additional member add:	\$13,440	\$9,856

\*If the student's parents/legal guardians are married, their income is reduced by \$7,000 when determining income eligibility for the program (i.e. married family income minus \$7,000 is the amount married families compare to the table).

Because of high levels of poverty among choice-participating families, it is likely that most families fall well below these income thresholds. But regardless, very few in this income range would be able to afford private school tuition in the absence of the state's voucher programs. The reality is that most of these students would be forced back into the traditional public school system. Independent charter schools would also cease to exist if Minocqua Brewing's lawsuit succeeded, meaning that most all of those students would also be forced into public schools. Could public schools meet this challenge?

### **Implications for Milwaukee**

Because the Milwaukee Program is the largest and oldest, we will focus on that program first. Adding the enrollment in the MPCP (about 29,003) plus the enrollment in independent charters in Milwaukee (about 8,609) and SNSP (about 741) means that about 38,353 kids would likely have to re-enroll in Public Schools.

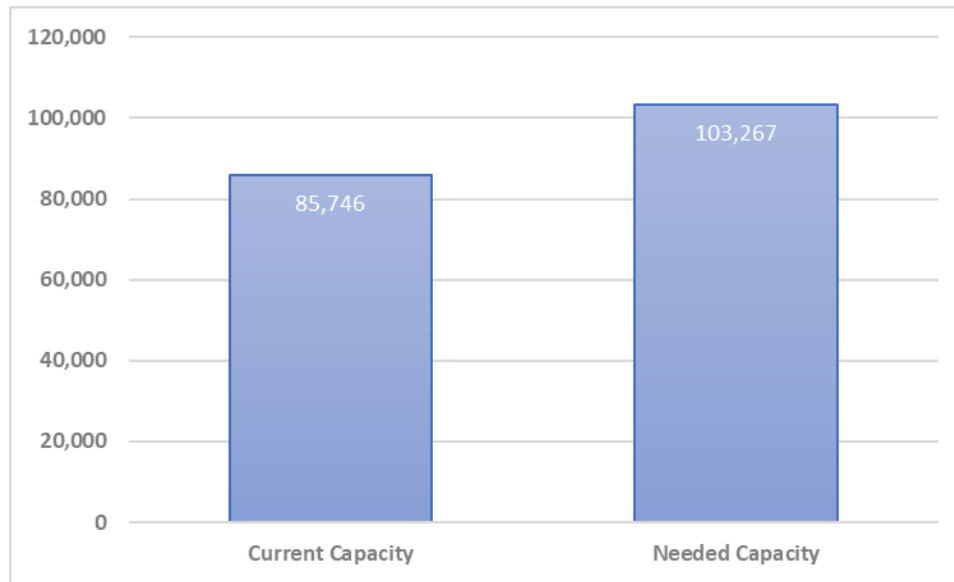
Milwaukee Public Schools have been shedding enrollment for decades. This is the result of a number of factors including migration out of the city, declining birth rates, and the growing competition that private school choice and charter schools have offered since the early 1990s. This has resulted in a significant amount of unused educational space that taxpayers remained on the hook for. Despite a state law that requires Milwaukee Public Schools to make vacant buildings available to charter and private schools, most vacant buildings, in the end, have gone to private developers.<sup>vi</sup> But nonetheless, capacity has been reduced over time, which has practical implications if students currently enrolled in private school choice were forced back into public schools.

Under the aforementioned law, Milwaukee Public Schools must put out an annual report detailing their capacity at each building and the number of students currently being educated there. The 2023 report submitted to the legislature is missing a significant amount of information.<sup>1</sup> Consequently, we rely on the 2022 report for our assessments here.<sup>vii</sup> According to this report, MPS currently has 85,746 seats for 64,915 in-person students—meaning they have an available capacity of 20,831 seats. This leaves MPS 17,522 seats short of the capacity needed to reabsorb all of these students.

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<sup>1</sup> It appears a page was cut off during the photocopying process. We reached out to MPS for a clean copy of the 2023 data, but as of this publication had not received the information.

**Figure 2. MPS Seat Capacity vs. Hypothetical Requirement (MPS)**



This is likely a low-end estimate of the shortfall. The 2022 MPS Capacity report to JFC listed more than \$240 million in deferred maintenance at buildings that *were* occupied, leaving one to wonder how much would be required to get vacant buildings back up to the standards required for students.

Exactly how many additional buildings would be needed is a more challenging question to answer. Because the MPCP has fewer high schools than K-8 schools, the distribution of students is not even across grade levels. To account for that we use the distribution of MPCP students across grade levels available from DPI for our estimates here.<sup>viii</sup> To make the most conservative estimate possible, we will use the largest existing school building at each grade level to estimate the number needed. The largest Milwaukee K-5 school has enrollment of 717. The school for grades 6-8 has 754, and the largest school for grades 9-12 has 1,360. The table below estimates the number of schools needed if each new school enrolled the same number as the largest current school.

To create an even more conservative estimate, we assume that the existing seat capacity in MPS can proportionally absorb students evenly across grade levels. In other words, we only consider the seat shortfall for the possibility of the need for new buildings. Numbers are also rounded down in keeping with the same spirit of conservative estimation.

**Table 2. Hypothetical New School Buildings Required**

Grade Level	New Enrollment	Number of Schools
Elementary	9,124	12
Middle School	4,093	5
High School	4,303	3

Conservatively, MPS would need to open 20 additional schools in order to accommodate students coming back into the public schools. Both the 2022 and 2023 report by MPS to the legislature on capacity only lists three vacant buildings which had a combined capacity of 1,440 students. Two of

the schools (Carleton and Phillip) were previously elementary schools. One (Edison) was previously a high school. If we assume that those buildings could be restored to their previous uses, MPS would need 10 elementary schools, 5 middle schools and 2 high schools.

### ***Teachers***

According to the data from DPI, Milwaukee has 4,217 teachers serving 67,500 students for a student/teacher ratio of about 16.0 students per teacher. To maintain the same ratio of students to teachers, how many new teachers would be needed?

**Table 3. Hypothetical New Teachers Required (MPS)**

Scenario	Enrollment	Required Teachers
Current	67,500	4,217
No Choice/Charter Schools	105,853	6,615
Change	+38,353	+2,398

The end of choice and independent charter schools would require MPS to increase its teaching staff by about 56.9% to maintain the same student/teacher ratio as currently exists. In an era where teachers are harder to come by than ever,<sup>ix</sup> attempting to hire that many educators for an already chaotic school system facing a logistical nightmare would be all but impossible in the short term.

### **Implications for Other School Districts**

Data on the building capacity of other school districts is not as readily available as it is for Milwaukee. However, we can still highlight the number of students that would have to be absorbed back into public schools were the choice programs to go away. The chart below shows enrollment in the Racine Parental Choice Program (RPCP) and the Wisconsin Parental Choice Program along with independent charters located outside of Milwaukee. The final column of the chart shows the number of teachers that would need to be added to maintain current student-licensed staff ratios.

**Table 4. Hypothetical New Teachers Required (Beyond MPS)**

Location	New Enrollment	Required Teachers
Racine	4,365	376
Wisconsin	18,111	1,359

Because student/teacher ratios in the ‘Wisconsin’ line are based on a statewide number of 13.3, it is possible that some districts may need to hire more or fewer new teachers to meet the influx of students. However, it is clear that substantial hiring would be required across the state were school choice to come to an end. And these effects will not be uniform, as some districts beyond Racine now have substantial private school choice enrollment. For instance, Green Bay has private school choice enrollment of more than 1,086 students and Appleton has choice enrollment of nearly 646 students. The table below lists the top ten districts for choice enrollees outside of Milwaukee and Racine using data from DPI.<sup>x</sup>



**Table 5. Choice Enrollment by District (Beyond MPS and RUSD)**

District	Choice Enrollment
Green Bay Area	1086
Appleton Area	646
Oshkosh Area	643
West Allis	591
Sheboygan Area	512
Waukesha	509
Kenosha	458
Madison Metropolitan	455
West Bend	381
Fond Du Lac	379
Other Districts	13,052

### **Other Considerations: Transportation**

While school districts do have some legal obligation to provide funding for transportation to voucher schools, they do not have this obligation for independent charter schools. If the independent charter program was to go away, school districts would now be responsible for transportation for all of these students. It would be difficult to actually estimate the total costs here as some students might live close to their new assigned school or get a ride from parents. That said, many would likely take advantage of public-school transportation options. This is at a time when many school districts are struggling to find sufficient bus drivers.<sup>xi</sup>

The introduction of a significant number of students who require busing in an already tight market is likely to further increase the costs for hiring drivers. It may also lead to more situations like have been seen in some parts of the country where students miss significant learning time due to a shortage of drivers.<sup>xii</sup>

### **Conclusion**

The end of school choice in Wisconsin would be unconscionable for many reasons. But even proponents of bringing America's oldest voucher program and independent charters to an end must wrestle with the real-world impacts such a change would have on school systems that are currently struggling to adequately educate the next generation. For example, reading proficiency in Milwaukee and Racine is 15.8% and 17.9% respectively.<sup>xiii</sup>

The numbers in this report are open to debate. Instead of adding a number of schools, perhaps the school districts would be willing to accept significantly larger class sizes. Perhaps a significant percentage of private choice students would remain in private schools—though this is hard to expect given the income limits on the program. But all of these questions must be considered and resolved prior to a decision to end the programs. The bottom line is that the significant increases in enrollment that would result from Minocqua Brewing's lawsuit would not only be harmful to students currently utilizing school choice, but also to those in an overwhelmed public school system.

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- <sup>i</sup> [https://journaltimes.com/news/local/education/lawsuit-challenges-legality-of-wisconsin-school-choice/article\\_eacbe8ae-6a11-11ee-bac7-078035f8ae41.html](https://journaltimes.com/news/local/education/lawsuit-challenges-legality-of-wisconsin-school-choice/article_eacbe8ae-6a11-11ee-bac7-078035f8ae41.html)
- <sup>ii</sup> [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data\\_and\\_Reports/2023-24/Updated\\_-\\_2023-24\\_summary\\_mpcp\\_wpcp\\_rpcp\\_snsp.pdf](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data_and_Reports/2023-24/Updated_-_2023-24_summary_mpcp_wpcp_rpcp_snsp.pdf)
- <sup>iii</sup> [https://docs.legis.wisconsin.gov/misc/lfb/informational\\_papers/january\\_2023/0032\\_charter\\_schools\\_informational\\_paper\\_32.pdf](https://docs.legis.wisconsin.gov/misc/lfb/informational_papers/january_2023/0032_charter_schools_informational_paper_32.pdf)
- <sup>iv</sup> <https://apps2.dpi.wi.gov/report>
- <sup>v</sup> [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Overview\\_of\\_Private\\_School\\_Choice\\_Programs\\_in\\_Wisconsin\\_Handout.pdf](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Overview_of_Private_School_Choice_Programs_in_Wisconsin_Handout.pdf)
- <sup>vi</sup> <https://will-law.org/wp-content/uploads/2020/12/empty-handed-report-with-appendix-.pdf>
- <sup>vii</sup> [https://docs.legis.wisconsin.gov/misc/lfb/jfc/200\\_reports/2022\\_08\\_15\\_milwaukee\\_public\\_schools\\_building\\_inventory.pdf](https://docs.legis.wisconsin.gov/misc/lfb/jfc/200_reports/2022_08_15_milwaukee_public_schools_building_inventory.pdf)
- <sup>viii</sup> [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data\\_and\\_Reports/2023-24/2023-24\\_mpcp\\_facts\\_and\\_figures.pdf](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data_and_Reports/2023-24/2023-24_mpcp_facts_and_figures.pdf)
- <sup>ix</sup> <https://badgerherald.com/news/2023/03/23/wisconsin-schools-turning-to-emergency-teaching-licenses-amid-teacher-shortage/>
- <sup>x</sup> [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data\\_and\\_Reports/2023-24/2023-24\\_WPCP\\_8\\_Limits.pdf#:~:text=For%20the%202023-24%20school%20year%2C%20the%20total%20number,not%20subject%20to%20the%208%25%20pupil%20participation%20limit.](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Data_and_Reports/2023-24/2023-24_WPCP_8_Limits.pdf#:~:text=For%20the%202023-24%20school%20year%2C%20the%20total%20number,not%20subject%20to%20the%208%25%20pupil%20participation%20limit.)
- <sup>xi</sup> <https://www.npr.org/2023/08/25/1195858259/why-are-so-many-school-districts-struggling-to-find-good-bus-drivers>
- <sup>xii</sup> <https://www.youtube.com/watch?v=OxhKE7ChpFw>
- <sup>xiii</sup> <https://wisedash.dpi.wi.gov/Dashboard/dashboard/22275>