

# **ADMINISTRATIVE PROCEDURES OF THE MILWAUKEE PUBLIC SCHOOLS**

## **ADMINISTRATIVE PROCEDURE 9.12 CHARTER SCHOOL PETITIONS AND PROPOSALS**

### **(1) OVERVIEW**

Section 118.40, Stats., the Wisconsin Charter School Law, authorizes the Milwaukee Board of School Directors ("Board") to establish by contract Milwaukee Public Schools ("MPS") charter schools. The Board encourages the creation of MPS charter schools as vehicles to support improvement of academic achievement of MPS students, subject to the provisions of MPS Administrative Policy 9.12, regarding charter schools.

### **(2) MPS CHARTER SCHOOL AUTONOMY**

(a) MPS charter schools shall be exempt from the provisions of Chs. 115 to 121 of the Wisconsin Statutes, except as otherwise explicitly provided by law, charter school contract, or MPS Administrative Policy 9.12.

(b) The Board will not operate the educational programs — nor make policy, rules, or procedures that directly affect the operation of the educational programs — at MPS charter schools, except as specifically provided in MPS Administrative Policy 9.12 and the charter school contract.

(c) The MPS Administration will not operate the educational programs — nor make policy, rules, or procedures that directly affect the operation of the education programs — at MPS charter schools, except as provided in MPS Administrative Policy 9.12 and the charter school contract.

(d) Where personnel assigned to an MPS instrumentality charter school request modifications of the collective bargaining agreements needed to support the operation of the educational program at the school, such requests shall be considered in accordance with the policies/procedures of the parties. Staff shall be assigned to vacancies at MPS instrumentality charter schools in accordance with the interview/placement procedures of the negotiated contracts.

### **(3) PROCEDURES FOR MPS CHARTER SCHOOL PETITIONS AND PROPOSALS**

#### **(a) General**

1. MPS charter school proposals and petitions must conform to all of the requirements specified in sec. 118.40 of the Wisconsin Statutes and MPS Administrative Policy 9.12. They must be in writing and should not exceed 15 single-spaced pages. Relevant supporting information, including a proposed budget based on the expected per-pupil funding for the particular grade level(s) involved, may be attached as appendices. Petitions and proposals should include a one- or two-page summary which identifies:

- a. The educational program to be offered;
- b. The name of the person seeking the MPS charter;
- c. The applicant team developing the proposed program; and
- d. The expected student outcomes.

2. All MPS charter school proposals and petitions shall be filed with the Office of Board Governance. The Office of Board Governance shall be responsible for transmitting all proposals and petitions to the Board, to the Superintendent, and to all members of the MPS Charter School Review Panel.

3. The Board President shall appoint all members of the MPS Charter School Review Panel, including two Superintendent designees. The Office of Board Governance shall provide staff assistance to the Panel. All MPS charter school petitions and proposals shall be examined by the Panel for evaluation and recommendations. The Panel may invite those submitting petitions and

proposals to make presentations to the Panel. The decision of the Panel shall be reached by collaboration and consensus.

**(b) Petitions**

1. Upon receipt of a petition for an MPS charter school, the Office of Board Governance shall schedule a public hearing to take place, with reasonable and adequate notice to the parents and neighbors of the proposed school, within 30 days. The Office of Board Governance shall be responsible for the proper notification of that hearing.

2. Within 30 days after the public hearing, the Board shall render a decision regarding the MPS charter school petition. The Office of the Superintendent shall notify the petitioner(s), of the decision.

3. Any decision on the creation of an MPS charter school is reserved to the Board. The Board shall approve all contracts with MPS charter schools, shall notify the state superintendent of its intention to establish an MPS charter school, and shall make all decisions regarding whether a charter school shall be an instrumentality of the district. The Board reserves the right to give priority to applications that directly address identified areas of need of targeted student population(s) within the district and replicate currently successful schools.

**(c) Proposals**

1. Upon receipt of a proposal for an MPS charter school, the Office of Board Governance shall transmit that proposal to the Board, the Superintendent, and the members of the MPS Charter School Review Panel.

2. At least 30 days before entering into a contract to establish an MPS charter school that is not an instrumentality of MPS under the Board initiative, or if the Board decides to hold a public hearing on a proposal, the Office of Board Governance will be responsible for the scheduling of and the proper notification for that hearing.

3. If the Milwaukee Board of School Directors decides to enter into a contract for an MPS charter school as the result of a proposal under the Board initiative, the Office of the Superintendent shall notify the applicant(s) of the decision. 4. Any decision on the creation of a MPS charter school is reserved to the Board. The Board shall approve all contracts with MPS charter schools, notify the state superintendent of its intention to establish an MPS charter school, and make all decisions regarding whether a charter school shall be considered an instrumentality of the district.

**(d) Development of Contract**

1. If the Board grants an MPS Charter School petition or proposal, the Superintendent's designee, in consultation with the Office of the City Attorney, the Office of Board Governance, and representatives from the proposed charter school, shall negotiate and draft MPS charter school contracts. If an agreement cannot be reached relative to the terms of the contract, either party may request a public hearing.

2. All proposed contracts for MPS charter schools shall be brought to the Board for final approval and execution. The Office of the Superintendent shall be responsible for the administrative oversight of all MPS charter school contracts.

3. The charter school contract will become effective when the final contract is signed by all required parties. Beginning with the 2004-2005 school year, proposed MPS charter school contracts shall be submitted to the Board President and Superintendent for execution by January 1 for inclusion in the following school fiscal year's budget.

**(4) MPS CHARTER SCHOOL GUIDELINES****(a) Selection and Enrollment of Students**

1. MPS charter schools shall abide by all district policies and guidelines for student admission, selection, and expulsion. Any variance to the district's policies and guidelines shall be set forth in the charter school's contract.

2. The district will work with the charter school to set enrollment and grade-level distribution of students. MPS charter schools shall ensure that all students enrolled in such schools are recorded in the Milwaukee Public Schools student database.

3. MPS charter schools shall plan to maintain ethnic diversity according to district guidelines. It is the charter school's responsibility to provide a plan that welcomes students in all programs, including regular education students, special education students, and students in any specialty programs (such as bilingual, ESL, etc.), as listed in the charter contract.

4. MPS charter schools shall be required to maintain confidential student records in accordance with the Wisconsin Pupil Records Law, sec. 118.125, Stats., and the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and its implementing regulations.

5. MPS charter schools may use the present MPS discipline plan or establish their own disciplinary guidelines; however, expulsions must adhere to Board policy and be approved by the Board. MPS charter schools choosing to use their own disciplinary guidelines must have them reviewed by the Senior Director of Student Services and the Office of the City Attorney.

6. With the exception of expelled students, MPS charter school students may re-enter Milwaukee Public Schools using the student assignment process.

**(b) Program Standards and Requirements**

1. MPS charter school proposals and petitions shall detail the proposed educational program, curriculum, and teaching methods employed to attain the goals under sec. 118.01 of the Wisconsin Statutes.

2. MPS charter school educational programs must address the district's and state's goals and standards, as well as meet compliance with the Milwaukee Public Schools' Strategic Plan.

**(c) Program Accountability and Performance Measures**

1. MPS charter school proposals and petitions shall include detail of expected school and student learning goals, along with related specific measures and methods for assessing student progress and achievement.

2. These learning goals and performance/assessment measures should correlate directly to the state assessments and the Milwaukee Public Schools' accountability plan and be detailed in the charter school contract. Yearly reviews shall be conducted to explain the outcomes of the educational program.

3. MPS charter schools shall be held accountable to proficiencies and standards at least as rigorous as those of the Milwaukee Public Schools and the Wisconsin Model Academic Standards.

4. An MPS charter school's assessment plan, if it deviates from the district's, shall use the state's assessment measures.

**(d) Facilities Use**

1. MPS charter schools that are instrumentalities of the district and located within MPS buildings shall operate their facilities under the MPS Division of Facilities and Maintenance Services.

2. MPS schools that are not instrumentalities of the district shall assume full responsibility for the cost of providing, insuring, and maintaining facilities.

3. MPS charter school petitions/proposals and contracts must provide a description of the facilities and liability insurance information.

4. MPS charter schools must adhere to all state laws and Board policies regarding health and safety standards and to the Board's insurance and risk-management requirements.

**(e) Employment Requirements**

1. MPS charter schools shall be required to comply with all state and federal employment, contracting, and public record keeping laws, as applicable.

2. Employees in MPS charter schools designated as instrumentalities of the district shall be employees of the Board. They shall be represented by and subject to provisions, including wages and benefits, of existing MPS bargaining unit contracts.

3. MPS charter schools shall comply with the district's policy on criminal background screening and physical examinations, including pre-employment drug screening, and shall disclose to the MPS Office of Human Resources the names of their staff and volunteers.

4. MPS charter schools that are instrumentalities of the district shall operate their human resource and employment functions under the MPS Office of Human Resources.

5. Teachers in MPS charter schools are required to meet the certification/licensure requirements of the Department of Public Instruction.

**(f) Staffing, Wages, and Insurance and Risk Management**

1. The MPS Office of Human Resources will serve as a resource to the MPS charter schools that are instrumentalities of the district in the areas of risk management, labor relations, and background checks. The Office will also assist in posting, recruiting, and providing a pool of new staff members for those schools.

2. The Board may not employ any staff members for MPS charter schools that are not designated as instrumentalities of the district. MPS may, however, employ staff who provide services to charter schools.

3. All MPS charter schools and contractors shall abide by the district's policy on minimum wage (Policy 3.09 (16)).

4. The MPS charter school contract will include procedures for handling staff misconduct and staff evaluation.

5. MPS charter schools must adhere to all state laws and Board policies regarding health and safety standards and to the Board's insurance and risk management requirements.

**(g) School Engagement**

1. The MPS charter school's engagement council composition, election process, and authority in the development of the educational program and budget will be stated in the petition.

2. The petition/proposal shall include the decision-making process that will be used to approve all policy, program, and budgetary decisions.

3. The MPS charter school's governance council will develop the process to evaluate the building principal. Evaluation is based on how the principal implements and facilitates the goals, objectives, and strategies of the MPS charter school's educational program.

**(h) Performance and Financial Auditing of MPS Charter Schools**

1. Annual audits will be carried out on all MPS charter schools in accordance with generally accepted auditing standards and government auditing standards and will express an opinion on the fairness of the financial statements (Generally Accepted Accounting Principles [GAAP] basis) of the MPS charter schools.

2. MPS charter schools designated as instrumentalities of the district shall be subject to the same fiscal rules and oversight as the other Milwaukee Public Schools. All financial records shall be retained in compliance with state and federal law.

3. MPS charter schools not designated as instrumentalities of the district shall operate within GAAP and shall file annual audited financial statements with the district.

4. Performance and compliance audits shall be conducted annually for all MPS charter schools to determine compliance with performance, operational, and fiscal contract provisions.

5. Additional audits may be conducted as required by federal and state financial assistance requirements and as identified in the charter school contract.

6. MPS charter schools shall be responsible for the conducting and cost of these audits. Charter schools are encouraged to explore possible cost-saving options for all service functions, including audit services.

### **(i) Funding**

1. Instrumentality Charter Schools. The amount which MPS will establish as per-pupil revenue for MPS instrumentality charter schools shall be equal to the amount which the Board determines annually for students in non-contract MPS schools. In addition, charter schools shall receive funding to cover selected costs in the same manner in which non-contract schools receive such funding. Likewise, categorical funds for which charter schools are eligible shall be distributed on the same basis as that on which such funds are distributed to non-contract schools.

2. Non-instrumentality Charter Schools. The amount which MPS will establish as per-pupil revenue for MPS non-instrumentality charter schools shall be equal to that amount which the state determines annually for charter schools operated by the Milwaukee Area Technical College (MATC), the University of Wisconsin at Milwaukee (UWM), and the City of Milwaukee. This amount is intended to cover all costs and expenses related to the operation of the charter school program, but does not include categorical revenues, such as Title I funds, that the MPS charter school may be entitled to receive.

3. The MPS per-pupil revenue for charter school students will be adjusted for any services which the parties agree will be furnished by MPS. Costs for these services will be negotiated between MPS and the charter school contract holder(s).

4. MPS charter schools' purchase of certain Milwaukee Public Schools' central and supportive services will be negotiated based upon district determination of per-student funding allocations for costs for specific functions. The amount of basic costs for specific functions per student allocated to charter schools shall be determined annually by the Board.

5. To assist in the determination and negotiation of service costs for petitioning schools, the MPS Department of Finance will provide a Catalog for Chargeback/Buyback Services showing the MPS school's current cost per pupil for the various services provided by the district. The analysis will be based on the most current Board-adopted budget.

6. The MPS charter school will have full carry-over policy.

7. For MPS charter schools that are instrumentalities of the district, the Office of Finance and Operations will help monitor the budget, pay the school's employees, assist in the development of the school budget, and assist in budget adjustments. The school will have complete flexibility when it comes to budget adjustments as long as it maintains the bottom line.

### **(j) Renewal**

In accordance with sec. 118.40(3b), Stats., the Board may renew a charter school contract for one or more terms, each not exceeding (5) school years. The MPS Charter School Contract Review Team shall be established to review, evaluate, and make recommendations to the Board, the Superintendent, and the Charter School regarding renewal of the charter school contract. Members of the Team shall be appointed by the Board President and the Superintendent. The Office of the Superintendent shall provide such staff assistance to the Team as may be required. The decision of the Team shall be reached by collaboration and consensus. The Team shall notify the Board, the

Superintendent, and the Charter School of its recommendation for renewal by the end of February of the last school year of the term of the charter school contract.

**(k) Revocation of Charters and Termination of Contracts**

1. A revocation and termination review may be requested by the Superintendent at any time during the term of the charter school contract. If the Superintendent requests a revocation and termination review of a charter school, the Charter School Contract Review Team may conduct a public

hearing and make written findings and recommendations to the Superintendent. Members of the Team shall be appointed by the Board President and the Superintendent. The Office of the Superintendent shall provide such staff assistance to the Team as may be required. The Superintendent may report the written findings and recommendations of the Team to the Board and make a recommendation regarding revocation of the charter and termination of the charter school contract. The Board may approve, amend in whole or in part, or disapprove of the recommendation of the Superintendent.

2. The Board may direct the Superintendent to follow the procedure set forth in section 12(a) of Administrative Policy 9.12, Charter Schools, at any time during the term of the charter school contract.

3. The Board may alternatively use a procedure other than the one set forth in section 12(a) of Administrative Policy 9.12, Charter Schools, for the revocation of charters and terminations of contracts.

**History:** Adopted 4-27-99; Revised 2-23-04, 09-27-07; 10-26-17