



# VIRTUAL DISTRICT CHARTER SCHOOL CONTRACT BENCHMARKS



In order to receive or maintain a DPI school code, or to receive federal Charter Schools Program Grant Funds for Implementation or Replication/Expansion, a charter school must have a duly executed contract on file with the DPI that satisfies all provisions required under state law and federal law, where applicable.

The purpose of these benchmarks is to provide a resource for authorizers and charter school governance boards to ensure that charter contracts contain all necessary state and federal provisions and to identify additional provisions to consider during contract development.

## INSTRUCTIONS

Charter School Authorizer: Milwaukee Board of School Directors – Milwaukee Public Schools

Charter School Name: Milwaukee Virtual School

DPI Reviewer (DPI USE): \_\_\_\_\_

DPI Contract No. (DPI USE) \_\_\_\_\_

As you complete your contract, please list the page number and corresponding section of the contract where each provision is located. Complete this action in the column labeled “Location in Contract”.

Submit this form along with your contract to the DPI.

Please use the benchmarks below to ensure the charter school contract meets the requirements of the law.

The benchmarks have been organized as follows:



*This resource was developed by WRCCS at CESA 9 between 2018-2023 with funding from Wisconsin’s \$95 million dollar federal Charter Schools Program grant from the U.S. Department of Education. See [wrccs.org](http://wrccs.org) for more information.*

## MANDATORY BENCHMARKS

### **A. Benchmarks Required for a DPI School Code.**

(A charter school will not receive a DPI code without these benchmarks)

1. Benchmarks required by state law for all charter schools (district-authorized and independent-authorized).
2. Benchmarks required by state law for district-authorized charter schools only.
3. Benchmarks required by state law for independent-authorized charter schools only.  
7 For Benchmarks required by state law for 2x(cm) charter schools, contact the DPI.

### **B. Benchmarks Required for Federal Charter Schools Program Funds.**

(A charter school will not receive Federal Charter Schools Program Funds without these benchmarks)

## ADDITIONAL BENCHMARKS

### **C. Benchmarks for All Charter Schools from Principles and Standards Established by the National Association of Charter School Authorizers.**

### **D. Benchmarks DPI Strongly Encourages for All Charter Schools.**

### **E. Benchmarks for Virtual Charter Schools.**

# MANDATORY BENCHMARKS

## A. BENCHMARKS REQUIRED FOR A DPI SCHOOL CODE

*These are benchmarks that are required for any charter school to receive a DPI school code. Additional benchmarks are needed for charter schools seeking federal charter school program funds, see Section B and any other section that applies to you.*

### 1. Benchmarks Required by State Law for all Charter Schools

**(ALL District-authorized and Independent-authorized).**

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/A BSENT (DPI USE)
The name of the person seeking to establish the charter school. §118.40(1m)(b)1.	<b>Section I.A</b>	
The name of the person who will be in charge of the charter school and the manner in which administrative services will be provided. §118.40(1m)(b)2.	<b>Section I.B</b>	
A description of the educational program of the school. §118.40(1m)(b)3.	<b>Section I.C</b>	
The method used to enable pupils to attain educational goals under Wisconsin Statutes 118.01. §118.40(1m)(b)4.	<b>Section I.D</b>	
The method by which evidence of student achievement or progress in attaining academic skills and knowledge will be measured. §118.40(1m)(b)5.	<b>Section I.E</b>	

<p>The governance structure of the school, including method to be followed to ensure parental involvement. §118.40(1m)(b)6.</p> <p><i>This provision should explain the basic structure of the governance board such as how the governance board is organized, how directors will be elected, and how parents will be involved (e.g., as members of the board or committee members)</i></p> <p><i>No more than a minority of the board members can be employees of the charter school or employees or officers of the school district in which the charter school is located.</i> §118.40(4)(ag)</p> <ul style="list-style-type: none"> <li>• <i>Under federal rules, charter schools receiving federal charter school program funds may not have any employees or officers of the authorizing entity on the charter school’s governing board.</i></li> </ul>	<p><b>Section I.F</b></p>	
<p>Methods employed to review qualifications that must be met by individuals employed by the school, assuring that every teacher, supervisor, administrator or professional staff member holds a certificate, permit or license issued by the department before entering duties for such a position [Wisconsin Statutes 118.19(1) and 121.02(1)(a)2.] §118.40(1m)(b)7.</p>	<p><b>Section I.G</b></p>	
<p>Procedures the school will follow to ensure the health and safety of the pupils. §118.40(1m)(b)8.</p>	<p><b>Section I.H</b></p>	
<p>The procedures used to achieve a racial and ethnic balance among pupils that is reflective of the school district population. §118.40(1m)(b)9.</p>	<p><b>Section I.I</b></p>	
<p>The requirements for admission to the school. §118.40(1m)(b)10.</p>	<p><b>Section I.J</b></p>	
<p>The manner in which annual audits of the financial and programmatic operations of the school will be performed. §118.40(1m)(b)11.</p>	<p><b>Section I.K</b></p>	

<p>The procedures by which students will be disciplined.  §118.40(1m)(b)12.  <i>If applicable, this must include the grounds for dismissing a pupil from the charter school. Please note a district authorized charter school does not have authority to expel a pupil from the school district.</i></p>	<p><b>Section I.L</b></p>	
<p>The public school alternatives for pupils who reside in the school district and do not wish to attend or are not admitted to the charter school. §118.40(1m)(b)13.</p>	<p><b>Section I.M</b>  <b>Appendix A p. 7</b></p>	
<p>A description of the facilities and the types and limits of the liability insurance that the school will carry.  §118.40(1m)(b)14.</p>	<p><b>Section I.N</b></p>	
<p>Evidence that the contract is duly executed. §118.40(3)(a)  <i>Typically dates and signatures of the authorizer and the governance board president of the charter school.</i></p>	<p><b>Section VI.D</b>  <b>Signature</b></p>	
<p>The amount to be paid to the charter school each year of the contract. §118.40(3)(b)</p>	<p><b>Section II.B</b></p>	
<p>The term of the contract, not to exceed 5 years.  §118.40(3)(b)  <i>This must indicate the date the contract becomes effective and the date the contract terminates, a period which may not exceed five (5) years.</i></p>	<p><b>Section III.A</b></p>	
<p>The procedures the school will follow to randomly select students if more students apply for admission than space available at the school. The random selection plan must give preference to students already enrolled in the charter school during the previous year and to siblings of students who are enrolled in the school. The school may give preference to children of the school’s founders, governing board members, and full-time employees, but this preference can be given to no more than 10% of school’s total enrollment.  §118.40(3)(g)</p>	<p><b>Section I.J</b></p>	

<p>Evidence that the charter governance board is a legally incorporated governing board independent of the authorizer. <i>This is evidence that the charter governance board is a nonstock corporation, for profit corporation, LLC, or partnership organized under the laws of the State of Wisconsin. This is verified through a corporate records search with the <a href="#">Wisconsin Department of Financial Institutions</a>.</i></p>	<p><b>Section I.F</b> <b>Appendix D</b></p>	
<p>If the charter school is established by two or more boards that have entered into an agreement under s. 66.0301, the names and locations of all school districts that are a party to the agreement. §118.40(3)(c)1.a.</p>	<p>NA</p>	
<p>If the charter school is established by two or more boards that have entered into an agreement with the board of a cooperative educational service agency, the names and locations of all school districts that are a party to the agreement. §118.40(3)(c)1.b.</p>	<p>NA</p>	
<p>If more than one charter school will be allowed under the charter contract, a statement authorizing the establishment of additional charter schools. §118.40(3)(f)1.</p>	<p>NA</p>	
<p>If more than one charter school will be allowed under the charter contract, the name, location and description of each charter school.</p>	<p>NA</p>	

**2. Requirements under State Law for District-Authorized Charter Schools Only (including virtual district charters).**

*This section does not apply to independent authorizers*

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
The status of the school as a non-instrumentality or instrumentality of the school district. §118.40(7)(a)	<b>WHEREAS</b>	
The effects of the establishment of the charter school on the liability of the school district §118.40(1m)(b)15.	<b>Section I.O</b>	

**3. ~~Benchmarks Required by State Law for Independent Authorized Charter Schools Only.~~ This includes all 2r and 2x schools but does not apply to district-authorized schools. These are benchmarks that are required for independent-authorized charter schools to receive a DPI school code.**

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
The annual academic and operational performance standards developed in accordance with the performance framework of the authorizer and a statement that the governing board must adhere to such standards. §118.40(2r)(b)2.a. and 118.40(2x)(b)2a		
The corrective measures the governing board will take if the school fails to meet performance standards. §118.40(2r)(b)2.b. and 118.40(2x)(b)2.b.		
A provision allowing the governing board to open one or more additional charter schools if all of the charter schools operated by the governing board were assigned to one of the top 2 performance categories in the most recent school and school district accountability report. §118.40(2r)(b)2.e. <i>Only applies to 2r Charter Schools</i>		
The methodology that will be used by the governing board to monitor and verify pupil enrollment, credit accrual and course completion. §118.40(2r)(b)2.d. and 118.40(2x)(b)2.d.		
A statement that the authorizer shall have direct access to pupil data and governing board shall provide data needed for the authorizer to complete its annual report under §118.40(3m)(f)-§118.40(2r)(b)2.e. and i. and 118.40(2x)(b)2.e. and i.		
A description of the administrative relationship between the parties. §118.40(2r)(b)2.f. and 118.40(2x)(b)2.f.		



<p>A statement that the governing board will hold parent-teacher conferences at least annually. §118.40(2r)(b)2.g. and 118.40(2x)(b)2.g.</p>		
<p>A requirement that if more than one charter school is operated under the contract, the charter school governing board reports to the authorizer on each charter school separately. §118.40(2r)(b)2.h. and 118.40(2x)(b)2.h.</p>		
<p>A statement that the governing board will participate in any training provided by the authorizer. §118.40(2r)(b)2.j. and 118.40(2x)(b)2.j.</p>		
<p>A description of all fees that the authorizer will charge the governing board. §118.40(2r)(b)2.k. and 118.40(2x)(b)2.k.</p>		
<p>If the charter contract includes grounds for expelling a pupil from the charter school, the procedures to be followed by the charter school prior to expelling a pupil. 118.40(2r)(b)2m.b. and 118.40(2x)(b)3.b.</p>	<p><i>May not apply</i></p>	
<p>The effect of the establishment of the charter school on the liability of the contracting entity. §118.40(2r)(b)2 and 118.40(2x)(b)2.</p>		
<p>For schools serving students in grades 5 through 12, provide evidence of how the school will incorporate the teaching of the Holocaust and other genocides into the social studies curriculum at least once in grades 5-8 and at least once in grades 9-12. Wis. Stat. 118.40(2r)(b)(2)(l) and (2x)(b)(2)(l)</p>		

## B. BENCHMARKS REQUIRED FOR FEDERAL CHARTER SCHOOLS PROGRAM FUNDS

*These are benchmarks that are required for any charter school seeking Federal Charter Schools Program Funds. These are **IN ADDITION** to all other state law requirements.*

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
Describes the level of autonomy afforded the charter school relative to policy, operation, budget development, staffing and evaluation. ESSA §4303(f)(2)(A)	Section I.E Section I.F	
Addresses how the school district will allocate federal funding for which the charter school is eligible or how the independent charter school board will work with DPI to ensure the school will have access to all federal funds that the school is eligible to receive. ESSA §4303(f)(1)(A)(iii)	Section II.B	
Describes or identifies any waivers of school district or independent charter school authorizer policy agreed to by the authorizer and the operator of the charter school. ESSA §4303(f)(3)(B)	Throughout	
Describes the quality controls agreed to between the charter school and the authorizer. ESSA §4303(f)(1)(C)	Section I.E	
Describes how the charter school’s performance in the State’s accountability system and impact on student achievement will be one of the most important factors for renewal or revocation of the charter school’s contract. ESSA §4303(f)(1)(C)	Section I.E Section II.C	
Describes how the authorizer will reserve the right to revoke or not renew the charter school’s contract based on financial, structural or operational factors involving the management of the school. ESSA §4303(f)(1)(C)	Section III	

## ADDITIONAL BENCHMARKS

### C. BENCHMARKS FOR ALL CHARTER SCHOOLS FROM PRINCIPLES AND STANDARDS ESTABLISHED BY THE NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS (NACSA)

*All authorizers are required to consider the Principles and Standards established by the National Association of Charter School Authorizers (NACSA) when contracting for the establishment of a charter school. Below are select NACSA contracting provisions that should be considered for contracting purposes. [See NACSA](#) for the complete document containing all Principles and Standards.*

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
States the rights and responsibilities of the school and the authorizer	<b>Throughout</b>	
States and respects the autonomies to which schools are entitled— based on statute, waiver, or authorizer policy—including those relating to the school’s authority over educational programming, staffing, budgeting, and scheduling	<b>Throughout</b>	
Defines performance standards, criteria, and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions.	<b>Section I.E</b> <b>Section III.C</b>	
States the statutory, regulatory, and procedural terms and conditions for the school’s operation.	<b>Throughout</b>	

States reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly.	<b>Section I.N</b> <b>Appendix A p. 7</b>	
States the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer	<b>Section I.L</b> <b>Appendix H</b>	
States the responsibilities of the school and the authorizer in the event of school closures	<b>Section III.C</b>	
Includes the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality	<b>Section I.E</b>	
Defines clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to state and federal measures	<b>Section I.E</b> <b>Section I.K</b>	
Includes expectations for appropriate access, education, support services, and outcomes for students with disabilities	<b>Section I.R</b> <b>Appendix A</b>	
Defines the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state  Define academic, operational, and financial performance measures. The contract should reference that these performance measures will be used for ongoing charter school monitoring, yearly evaluation, and charter renewal decisions.	<b>Section I.E</b> <b>Section I.K</b> <b>Appendix A</b> <b>Appendix F</b>	

<p>Defines the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability</p>	<p><b>Section I.K Appendix F</b></p>	
<p>Defines the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship</p>	<p><b>Throughout</b></p>	
<p>Includes clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population.</p>	<p><b>Section I.E</b></p>	
<p>For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the charter governing board and the school’s financial independence from the external provider</p>	<p><b>NA</b></p>	



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**D. DPI STRONGLY ENCOURAGES THESE BENCHMARKS FOR ALL CHARTER CONTRACTS**

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
<p>Specify that, subject to the terms in the contract, the charter school governing board has all the powers necessary to carry out the terms of the contract, including:</p> <ul style="list-style-type: none"> <li>o Receiving and disbursing funds for school purposes;</li> <li>o Securing appropriate insurance;</li> <li>o Entering into contracts, including contracts with institutions of higher education for technical or financial assistance, academic support, curriculum review, or other services.</li> <li>o Incurring debt in reasonable anticipation of the receipt of funds;</li> <li>o Pledging, assigning or encumbering its assets to be used as collateral for loans or extensions of credit;</li> <li>o Soliciting and accepting gifts or grants for school purposes;</li> <li>o Acquiring real property for its use;</li> <li>o Suing or be sued in its own name.</li> </ul> <p>§118.40(4)(d).</p>	<p><b>Section I.F</b> <b>Appendix A</b> <b>Appendix E</b></p>	
<p>Specify that the program and attendance at the charter school is voluntary. §118.40(6)</p>	<p><b>Section I.M</b> <b>Appendix A p. 15</b></p>	
<p>Clearly state that the charter school does not charge tuition. §118.40(4)(b)1</p>	<p><b>Section I.Q</b></p>	
<p>Describe criteria for granting high school diploma, if applicable. 118.33(1)(f)2</p>	<p><b>Appendix A</b></p>	

Provide assurance that every teacher, supervisor, administrator or professional staff member holds a certificate, permit or license issued by the department before entering duties for such a position. §118.40(1m)(b)7	<b>Section I.B</b> <b>Section I.G</b>	
Include a nondiscrimination clause stating the charter school will not deny admission or participation in any program or activity on the basis of a person’s sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. §118.40(4)(b)2	<b>Section I.R</b>	
State that the program is nonsectarian in its practices, programs, admission policies, employment practices and all other operations. §118.40(4)(a)2	<b>Section I.P</b>	
Address the procedures or reasons by which either party may withdraw or revoke the contract. §118.40(5)	<b>Section III</b>	
Describe manner of transportation, if provided, to and from the charter school. (Note—school districts are not required to provide transportation to charter schools.)	<b>Section I.W</b>	
If the charter school is limited to one sex, evidence that the district makes available to the opposite sex, schools or courses that are comparable to each charter school or course.	<b>NA</b>	
A statement that the parties considered the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.		
A statement that the charter school and authorizer will comply with all applicable state and federal laws.	<b>Throughout</b>	
Definitions of the material terms of the contract, including: authorizer, charter school, notice, day, etc.	<b>Throughout</b>	
A statement that the charter school will adhere to state and federal laws pertaining to record retention and disclosure of student records.	<b>Section I.T</b>	

A statement that the charter school governance board will adhere to Wisconsin Open Meetings Laws.	<b>Section I.T</b>	
A statement regarding the charter school’s adherence to the authorizer’s policies and a description of those from which the charter school is exempt.	<b>Section I.B Throughout</b>	
A statement explaining how the charter school will meet its obligations under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.	<b>Section I.R</b>	
Provisions addressing the authorizer’s right to inspect the charter school facilities and records with reasonable notice.	<b>Section I.N</b>	
A statement that the charter school will provide the authorizer all information necessary for the authorizer’s annual report to the state superintendent and legislature under 118.40(3m)(f).	<b>Section I.E Section I.K</b>	
Inclusion of standard contract provisions related to: amendments, severability, assignment, and waiver.	<b>Section III</b>	



## E. ADDITIONAL CONSIDERATIONS FOR VIRTUAL CHARTER SCHOOLS

BENCHMARK	LOCATION IN CONTRACT (SCHOOL USE)	PRESENT/ABSENT (DPI USE)
The virtual charter school must be under contract with a school board under Wis. Stats. §115.001 (16). §118.40(8)	<b>Recitals (p.1)</b>	
The virtual charter school will be located in the school district of the authorizing school board or, if authorized through an agreement with one or more school boards or the board of control of a CESA, in the school district specified in the agreement. §118.40(8)(a)	<b>Section I.A</b>	
The teacher assigned for each online course in the virtual charter school must be appropriately licensed for the grade level and subject taught. §118.40(8)(b)	<b>Section I.B</b>	
The teacher is responsible for each student taught: <ul style="list-style-type: none"> <li>o Improving learning by planned instruction</li> <li>o Diagnosing learning needs</li> <li>o Prescribing content delivery through class activities</li> <li>o Assessing learning</li> <li>o Reporting outcomes to administrators and parents and guardians</li> <li>o Evaluating the effects of instruction</li> </ul>	<b>Appendix A</b>	
The virtual charter school provides educational services to its pupils for at least 150 school days each year. §118.40(8)(d)	<b>Section I.U</b> <b>Appendix I</b>	
The virtual charter school must ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s.121.02 (1)(f)2 each school year. No more than 10 hours in any 24-hour period may count toward these requirements. §118.40(8)(d)	<b>Section I.U</b> <b>Appendix I</b>	

<p>The virtual charter school must ensure that its teachers respond to inquiries from pupils and from parents/guardians of pupils by the end of the first school day following the day on which the inquiry is received. §118.40(8)(d)</p>	<p><b>Appendix A p. 4</b></p>	
<p>The virtual charter school must ensure that a parent advisory council is established for the school and meets on a regular basis. The governing body shall determine the selection process for members of the council. §118.40(8)(e)</p>	<p><b>Appendix A</b> <b>Appendix E</b></p>	
<p>The virtual charter school must inform the parent or guardian of each pupil attending the school, in writing, the name of and how to contact each of the following persons: (1) the members of the school board that contracted for the establishment of the virtual charter school and the administrators of that school district; (2) the members of the virtual charter school’s governing body (3) the members of the virtual charter school’s parent advisory council; and (4) the staff of the virtual charter school. §118.40(8)(e)</p>	<p><b>Appendix A</b></p>	