

**ADMINISTRATIVE POLICIES OF THE
MILWAUKEE PUBLIC SCHOOLS**

**ADMINISTRATIVE POLICY 9.12
CHARTER SCHOOLS**

(1) AUTHORITY TO ESTABLISH CHARTER SCHOOLS

(a) 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. No MPS charter school shall be established until a contract has been negotiated, reduced to writing, and formally approved and executed by the Board President and the Superintendent. As set forth in more detail in Section (9) below, an MPS charter school may be an instrumentality of MPS or it may not be an instrumentality of MPS. The Board shall notify the Wisconsin Department of Public Instruction (“DPI”) whenever the Board establishes an MPS charter school.

(b) The Board may not enter into a contract for the establishment of a charter school located outside the City of Milwaukee unless it enters into an intergovernmental agreement with another public school board under sec. 66.30, Stats., in which case the charter school may be located in either the City of Milwaukee or the district of the other contracting school board.

(c) The Board may not enter into a contract that would result in the conversion of a private, sectarian school into an MPS charter school.

(d) An MPS charter school may be created under secs. 118.40(1m), (2), and (3), Stats., by contract between the Board and a person, based upon a petition signed and submitted by MPS teachers. The process for petitioning the Board to establish an MPS school is set forth in more detail in Section (3) below.

(e) An MPS charter school may also be created under sec. 118.40(2m), Stats., by contract between the Board and a person, based upon the Board’s own initiative. In an effort to facilitate the establishment of MPS charter schools based upon the Board’s own initiative, the Board may seek and consider proposals from persons who would like to operate an MPS charter school. The process for submitting a proposal to the Board to establish an MPS charter school is set forth in more detail in Section (4) below.

(f) The Board encourages the establishment of charter schools as vehicles to support improvement of the academic achievement of pupils of MPS.

(2) DEFINITION OF AN MPS CHARTER SCHOOL

An MPS charter school is a public school created by contract under sec. 118.40, Stats. Regardless of whether an MPS charter school is or is not an instrumentality of MPS, the charter school shall:

- (a) Be exempt from the provisions of Chapters 115 to 121 of the Wisconsin Statutes, except as otherwise explicitly provided; and
- (b) Be nonsectarian in its programs, admissions policies, employment practices, and all other operations; and
- (c) Be free from tuition and without mandatory fees, unless such fees are consistent with MPS policy; and
- (d) Not discriminate in admission or deny 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; and
- (e) Enroll students in the school on a purely voluntary basis. No pupil may be required to attend an MPS charter school without his or her approval, if the pupil is an adult, or the approval of his or her parents or legal guardian, if the pupil is a minor; and

- (f) Give preference in admission to any pupil who resides within the attendance area or former attendance area of that MPS school if an MPS charter school replaces a public school in whole or in part; and
- (g) Be held, at a minimum, to the proficiency and performance standards that are applied to other MPS schools.

(3) PETITION BY MPS TEACHERS TO ESTABLISH AN MPS CHARTER SCHOOL

(a) The Board may convert an existing MPS school to an MPS charter school following submission by MPS teachers of a written petition requesting the Board to establish the school as an MPS charter school. The petition must comply with this policy and sec. 118.40, Stats. Section 118.40(1m), Stats., states: "The petition shall be signed by at least 10% of the teachers employed by the school district or by at least 50% of the teachers employed at one school of the school district." Section 118.40(1m)(b), Stats., requires that the petition include all 15 of the items specified in that section and set forth in detail in Section (7)(a) below. A petition must also indicate whether or not the proposed MPS charter school is intended to be an instrumentality of MPS. All charter school petitions by MPS teachers shall be reviewed by the MPS Charter School Review Panel in accordance with Section (8)(a) below.

(b) In accordance with sec. 118.40(2), Stats., the Board shall hold a public hearing within 30 days after receiving a petition by MPS teachers to establish an MPS charter school. At the hearing, the Board shall consider the level of employee and parental support for the establishment of the MPS charter school described in the petition and the fiscal impact of the establishment of the charter school on MPS. The Board may also consider the recommendation of the MPS Charter School Review Panel described in Section 8(b) below. Within 30 days after the public hearing, the Board shall either grant or deny the petition.

(c) If the Board grants the petition, the provisions set forth in Section 8(c) below shall be followed. If the Board denies the petition, the person seeking to establish the MPS charter school may, within 30 days after the denial, appeal the denial to DPI. Within 30 days after receiving the appeal, DPI shall issue a decision that is final and not subject to Ch. 227 judicial review. 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 to replicate currently successful schools.

(4) CREATION OF MPS CHARTER SCHOOLS BY BOARD INITIATIVE

(a) The Board may establish an MPS charter school upon its own initiative in accordance with sec. 118.40(2m), Stats. The Board may seek and consider proposals to establish an MPS charter school under this provision from parents, educators, community groups, nonprofit organizations, individuals, and combinations of these entities. All proposals must comply with this policy and include all of the provisions specified under sec. 118.40(1m)(b), Stats., which are set forth in Section(7)(a) below. A proposal must also indicate whether or not the proposed MPS charter school is intended to be an instrumentality of MPS. All proposals under this Section shall be reviewed by the MPS Charter School Review Panel, in accordance with Section (8) below.

(b) The Board shall hold a public hearing at least 30 days before entering into a contract if the contract would either (a) convert a private school to an MPS charter school or (b) establish an MPS charter school that is not an instrumentality of MPS. At the hearing, the Board shall consider the level of employee and parental support for the establishment of the MPS charter school and the fiscal impact of the establishment of the MPS charter school on MPS. The Board may also consider the recommendation of the MPS Charter School Review Panel described in Section 8(b) below. In all other cases, the Board is not required to hold a hearing.

(c) If the Board grants the proposal, the provisions set forth in Section 8(c) below shall be followed.

(5) SUBMISSION OF PETITIONS AND PROPOSALS

(a) How to Obtain Detailed Submission Information

Those seeking to establish an MPS charter school may request a complete list of MPS' requirements for submission of charter school petitions and proposals from the Superintendent's designee for charter schools.

(b) When to File Petitions and Proposals

Petitions and proposals may be submitted any time during the year; however, petitions and proposals that are filed after 4:30 p.m. on January 5 in any year will not be considered for start-up in the following calendar (January through December) year. (For example, in order for a charter school to start up in September of 2008, the petition or proposal must be filed by 4:30 p.m. on January 5, 2007.)

(c) Where to File Petitions and Proposals

All petitions and proposals are to be filed in the Office of Board Governance at the MPS Central Services Building, Room 273, 5225 West Vliet Street, Milwaukee WI 53208.

(d) Criminal Background Screenings

Upon submission of a petition or proposal, MPS shall initiate a criminal background screening of the following parties: the person responsible for the charter school's finances, the person responsible for the charter school's academics, and all parties submitting petitions or proposals.

(6) TYPES OF SCHOOLS LIKELY TO BE SUPPORTED BY THE BOARD

(a) The Board will consider charter school petitions and proposals by communities that wish to assume more leadership and responsibility in the educational process. Specifically, the Board is more likely to consider the establishment of charter schools as vehicles to

1. provide new, high-quality innovative school programs for traditionally underserved or at-risk student populations;
2. institute programs which reduce or re-enter student drop-outs; and
3. offer autonomy to academically successful MPS programs that increase student achievement.

(b) The Board shall give preference in awarding contracts for the operation of an MPS charter school to those schools that serve children at risk, as that term is defined in sec. 118.153(1)(a), Stats.; however, high-quality or innovative charter school petitions and proposals outside of these areas will also be considered. 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.

(7) DEVELOPMENT OF MODEL CONTRACT

The Superintendent's designees, in consultation with the Office of the City Attorney and the Office of Board Governance, shall develop a model MPS charter school contract that shall be presented to and approved by the Board. All MPS charter school contracts shall include the following provisions as well as other provisions agreed to by the parties:

- (a) The name of the person who is seeking to establish the charter school;
- (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;
- (c) A description of the educational program of the school;

- (d) The methods the school will use to enable pupils to attain the educational goals under sec. 118.01;
- (e) The method by which pupil progress in attaining the educational goals under sec. 118.01 will be measured;
- (f) The governance structure of the school, including the method to be followed by the school to ensure parental involvement;
- (g) Subject to section 118.40 (7)(a) and (am) and secs. 118.19(1) and 121.02(1)(a)2, the qualifications that must be met by the individuals to be employed in the school;
- (h) The procedures that the school will follow to ensure the health and safety of the pupils;
- (i) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the school district's population;
- (j) The requirements for admission to the school;
- (k) The manner in which annual audits of the financial and programmatic operations of the school will be performed;
- (l) The procedures for disciplining pupils;
- (m) 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;
- (n) A description of the school facilities and the types and limits of the liability insurance that the school will carry;
- (o) The effect of the establishment of the charter school on the liability of the school district.

(8) ESTABLISHMENT OF CHARTER SCHOOLS BY CONTRACT

(a) Transmittal of Petitions and Proposals

Subject to Board approval, the Office of Board Governance shall determine the procedures for processing MPS charter school petitions and proposals. The Office of Board Governance shall transmit all MPS charter school proposals and petitions to the Board, the Superintendent, and to all members of the MPS Charter School Review Panel.

(b) Review of Petitions and Proposals by MPS Charter School Review Panel

An MPS Charter School Review Panel shall be established to review, evaluate and make recommendations to the Board with regard to MPS charter school petitions and proposals. The Panel may invite those submitting a petition or proposal to make a presentation to the Panel. Members of the Panel shall be appointed by the Board President, including two Superintendent designees. The Office of Board Governance shall provide such staff assistance to the Panel as may be required. The decision of the Panel shall be reached by collaboration and consensus.

(c) Creation and Administration of Contracts

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. 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. If an agreement cannot be reached relative to the terms of the contract, either party may request a public hearing.

(9) SIGNIFICANCE OF INSTRUMENTALITY STATUS

Section 118.40(7)(am), Stats., provides that a private school that is converted to an MPS charter school shall not be an instrumentality of MPS. In all other cases, the Board shall determine whether or not an MPS charter school shall be an instrumentality of MPS. The major differences between an MPS

charter school that is an instrumentality of MPS and an MPS charter school that is not an instrumentality of MPS are as follows:

(a) Employees

1. If the Board determines that an MPS charter school is an instrumentality of MPS, the Board shall employ all personnel for the charter school. Every teacher who teaches at an MPS instrumentality charter school under a Charter School Instructional Staff License issued by DPI shall possess:

- a. at least a minor in the subject area and participate in ongoing professional development in the subject that the teacher is teaching, or
- b. significant life and/or professional experience which qualifies the teacher to teach in an area in an MPS charter school.

2. If an MPS charter school is not an instrumentality of MPS, the Board may not employ any personnel for the charter school.

(b) Public Hearing

The Wisconsin Charter School Law distinguishes on the basis of instrumentality status between those charter schools intended to be established on a school board's initiative with respect to whether or not a public hearing is required.

1. If the Board intends to create an MPS charter school on the Board's initiative under sec. 118.40(2m), Stats., that is an instrumentality of MPS, the Board is not required to hold a public hearing before entering into the contract.
2. If the Board intends to create an MPS charter school on the Board's initiative under sec. 118.40(2m), Stats., that is not an instrumentality of MPS, the Board shall hold a public hearing at least 30 days before entering into the contract.

(c) Facilities

1. MPS charter schools that are instrumentalities of MPS must be located in MPS facilities that are owned or leased by MPS.

2. MPS charter schools that are not instrumentalities of MPS must be located in facilities that are approved by MPS.

(d) Legal Status upon Revocation of Contract

1. Upon revocation of a contract between the Board and an MPS charter school that is an instrumentality of MPS, the charter school shall revert to a traditional MPS school.

2. Upon revocation of a contract between the Board and an MPS charter school that is not an instrumentality of MPS, all legal associations between the parties shall be severed.

(10) PER-PUPIL ALLOCATION FOR CHARTER SCHOOLS

(a) Instrumentality Charter Schools

The per-pupil revenue amount for students in MPS instrumentality charter schools will 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. Exceptions will be based on legal or regulatory differences which govern charter contracts. 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

(b) Non-instrumentality Charter Schools

The per-pupil revenue amount for an MPS non-instrumentality charter school student shall be equal to the 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 per-pupil revenue 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.

(c) Adjustments for Administrative Services

The per-pupil revenue amount for instrumentality and non-instrumentality charter schools shall be adjusted for any administrative services furnished by MPS to the charter school.

(11) RENEWAL OF CONTRACT

(a) 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.

(b) 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.

(c) 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.

(12) REVOCATION OF CHARTERS AND TERMINATION OF CONTRACTS

(a) A revocation and termination review may be requested by the Superintendent at any time during the term of the charter school contract.

1. 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.
2. 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.

(b) The Board may direct the Superintendent to follow the procedure set forth in section 12(a) above at any time during the term of the charter school contract.

(c) The Board may alternatively use a procedure other than the one set forth in section 12(a) above for the revocation of charters and terminations of contracts.

(d) The Board may revoke a charter and terminate a charter school contract if, among other reasons, the Board finds that any of the following has occurred:

1. The charter school violated its contract with the Board; or
2. The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under sec. 118.01, Stats.; or
3. The charter school failed to comply with generally accepted accounting standards of fiscal management; or
4. The MPS charter school violated sec. 118.40, Stats. or this policy.

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