



## LEGAL SERVICES DEPARTMENT

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Date: March 13, 2013

To: Planning and Development Committee  
Board of Education

From: Dylan Pauly, Legal Counsel  
Steve Hartley, Chief of Staff

cc: Jane Belmore, Interim Superintendent

Subject: Second Draft, Revisions to Policy 10000 (Charter Schools)

**Appendix 000-9-14  
March 18, 2013**

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During last month's Committee meeting, we presented a new, rewritten Policy 10000. At that time, we explained that the changes contained therein were intended to reflect the time the Board has spent reviewing and discussing Dr. Julie Mead's work regarding principle-based policymaking. Over the course of the last meeting, several members suggested changes for and improvements to Draft 1 of the rewritten Policy 10000. Tonight we present Draft 2, which we believe incorporates the Board's suggestions and input. Attached hereto is a redline draft highlighting the differences between Draft 1 of the rewritten policy and Draft 2.

The changes include:

- Express language stating only instrumentality schools will be considered (p. 10-1)
- Refinement of the guiding principles (pp. 10-1 and 10-2)
- Revisions to the timeline to include more Board involvement and specificity (p. 10-3)
- Board review and approval of Initial Applications (p. 10-5)
- Clarification of the timing of the Superintendent's Administrative Analysis (p. 10-6)
- Removal of the term "qualified" in Section IV (p. 10-7)
- Additional detail regarding location requirements (p. 10-8)

The changes in Draft 2 do not reflect any of the proposed statutory amendments contained in Governor Walker's biennial budget. At this time, the changes are only proposals and may or may not be passed as law. Obviously, if any of the proposed changes, which primarily relate to independent and instrumentality charter schools, do become law, we will need to review Policy 10000 again to insure compliance.

DRAFT 2, March 11, 2013

**POLICY**

**CHARTER SCHOOLS \_\_\_\_\_ 10,000**

It is the policy of the School Board to consider the establishment of charter schools that support the DISTRICT Mission and Belief Statements and as provided by law. The Board believes that the creation of charter schools can enhance the educational opportunities for Madison Metropolitan School District students by providing innovative and distinctive educational programs and by giving parents/students more educational options within the District. Only charter schools that are an instrumentality of the DISTRICT will be considered by the BOARD.

The BOARD further believes that certain values and principles must be integrated into all work involving the conceptualization, development and implementation of a new charter school. These guiding principles are as follows:

- All charter schools must meet high standards of student achievement while providing increased educational opportunities, including broadening existing opportunities for struggling populations of students;
- All charter schools must have an underlying, research-based theory and history of successful practice that is likely to achieve academic success;
- All charter schools will provide information to parents and students as to the quality of education provided by the charter school and the ongoing academic progress of the individual student;
- All charter schools will attract and enroll a diverse student body in terms of racial diversity, ethnic and linguistic diversity, disability status, gender, and socioeconomic status. ~~All charter schools will ensure equitable access to all qualified students regardless of gender, race and/or disability;~~
- All charter schools must be financially accountable, sustainable and transparent;
- All charter schools must ensure the health and safety of all staff and students;
- All externally-developed charter schools must be governed by a governance board that is registered as a 501(c)(3), tax-exempt charitable organization;
- All charter schools must have a plan to hire, retain and recruit a highly-qualified, diverse staff; and
- All charter schools must have a clear code of student conduct that includes procedures for positive interventions and social emotional supports;

- All charter schools shall be non-sectarian in their programming, admissions, instruction and all other operations; and
- All charter schools not meeting the conditions of their charter will be dissolved.

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**PROCEDURE**

**CHARTER SCHOOLS 10,000**

**I. Initiation of Process to Establish a Charter School**

A. *Initiation of Process.* The process to establish a charter school may be initiated in one of the following four ways.

1. Through a formal Request for Proposals (RFP), the BOARD may request initial proposals to establish a charter school. The content of said proposals, the timeline for responding and the process by which said proposals shall be judged shall be set forth in the RFP.
2. Externally-developed proposals may be presented to the BOARD for consideration pursuant to the timeline and process set forth in Section II, below.
3. The BOARD, SUPERINTENDENT or an individual Board MEMBER may present a Detailed Proposal pursuant to the timeline and process set forth in Sections II.A and II.D, below.
4. Pursuant to written petition as set forth in Wisconsin Stat. §118.40(1m).

II. Process for Presentation of Externally-Developed Charter School Proposals  
 (This process applies to all proposals submitted to the BOARD for consideration pursuant to Section I.A.2, above)

A. Timeline

School Year in which proposed school will open	Planning Grant Application Due Date (if applicable)	Initial App. Due Date	<u>Initial Application and Scoring Rubric Provided to Planning and Development COMMITTEE and Full BOARD</u>	District Response to Initial Application	Detailed Proposal Due Date	<u>Detailed Proposals and completed Reviewer's Guide sent to the BOARD</u>	Public Hearing	<u>Admin. Anal. Due to BOARD</u>	<u>BOARD vote on whether to establish charter school</u>	District Response to Detailed Proposal
2014-2015	To Full Board by Feb. 14, 2013	Aug. 1, 2013	<u>September Committee and Regular Meetings</u>	<u>Oct. 1</u> September 4 <sup>3</sup> , 2013	Nov. 1, 2013	<u>Dec. 6, 2013</u>	Between Jan. 6 and 17, 2014	By <u>Jan. 23, 2014</u>	Jan. 27, 2014	<u>Feb. 3,</u> January 30, 2014
2015-2016										

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*B. Planning Grant Application*

1. The Board reviews applications for Charter School Planning Grant Funds that are awarded by the Department of Public Instruction (DPI).
2. Applications for Charter School Planning Grant Funds shall be completed by the applicant in accordance with the process and procedure established by DPI and filed with the Board.
3. The applicant shall present a completed application to the Board in accordance with the timeline set forth in Section II.A, above. Within six weeks after the application has been submitted to the Board, the Board will review the application, make a determination as to whether or not the Board supports the application and notify the applicant of the Board's determination. The President of the Board or his/her designee is responsible for notifying the applicant of the Board's determination.
4. If the application is supported by the Board, the Board President or his/her designee will sign the Grant Application form indicating the Board's support of the application for Charter School Planning Grant Funds.
5. If the Board supports the application and/or if the applicant receives Charter School Planning Phase funds from DPI, neither the Board's initial support of the application nor the fact the applicant received the Charter School Planning Grant funds, binds or commits the Board to authorize the creation of a charter school.

*C. Initial Application*

1. Initial Applications must be filed in the Office of the Secretary to the Board by 3:00 pm on the due date set forth in Section II.A, above. No exceptions shall be made to the timeline. Late applications will be returned unopened to the applicant.
2. Applicants must use the proscribed application form.
3. Applicants must submit twelve copies of the completed Initial Application.
4. The Charter Application Review Committee shall use the proscribed Review Rubric to review and grade the Initial

Application. The Charter Application Review Committee shall be comprised of three members. Membership of the Charter Application Review Committee shall include one District-employed building principal, preferably from within the attendance area of the proposed charter school; the Chief-of-Staff/Deputy Superintendent; and the Assistant Superintendent of Elementary or Secondary education, depending on the age of the pupils to be served.

4.5. Once the Charter Application Review Committee has reviewed all timely-submitted applications, all applications receiving a score of / or higher on the Review Rubric shall be forwarded to the Planning and Development COMMITTEE. The COMMITTEE shall review each application to determine whether an applicant will be invited to submit a Detailed Proposal. The BOARD shall make a final determination at the Regular Meeting in September.

5.6. All applications receiving a score of / or higher shall be forwarded to the Superintendent. Copies shall also be forwarded to the BOARD for informational purposes. The SUPERINTENDENTuperintendent or his/her designee shall send a written invitation to all applicants approved by the BOARDreceiving a score of / or higher inviting said applicant to submit a Detailed Proposal.

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D. *Detailed Proposal*

1. Detailed Proposals must be filed in the Office of the Secretary to the Board by 3:00 pm on the due date set forth in Section II.A, above. No exceptions shall be made to the timeline. Late submissions will be returned unopened to the applicant.
2. Applicants must submit twelve copies of the Detailed Proposal.
3. Applicants are encouraged to meet with DISTRICT representatives during the development of the Detailed Proposal, especially when questions or concerns arise.
4. All Detailed Proposals must be submitted using the proscribed format and comport with the organizational outline set forth therein.
5. The SUPERINTENDENT shall review each Detailed Proposal using the proscribed Reviewer's Guide. The SUPERINTENDENT may designate the review of the Detailed Proposals so long as the individual identified to carry-out the review was not on the Charter

Application Review Committee charged with reviewing the Initial Application. Copies of each Detailed Proposal, along with the reviewer's guide, shall be sent to the BOARD for independent review and consideration.

5.

~~6. Prior to a final consideration of a Detailed Proposal, the BOARD shall hold a public hearing on the proposal. The timeline for such hearing is included in Section II.A. above. Following the review of the Detailed Proposals, the SUPERINTENDENT shall provide a written recommendation to the BOARD. Such recommendation must be provided to the BOARD at least 10 days prior to the BOARD making a decision on whether to enter into a charter contract with the applicant. In no instance shall the SUPERINTENDENT'S recommendation be submitted to the BOARD prior to the required public hearing.~~

6. Following the review of the Detailed Proposals, the SUPERINTENDENT shall provide a written recommendation to the BOARD. Such recommendation must be provided to the BOARD prior to the BOARD making a decision on whether to enter into a charter contract with the applicant. In no instance shall the SUPERINTENDENT'S recommendation be submitted to the BOARD prior to the required public hearing.

~~7. Prior to a final consideration of a Detailed Proposal, the BOARD shall hold a public hearing on the proposal. The timeline for such hearing is included in Section II.A. above.~~

~~8.7.~~ After the public hearing and receipt of the SUPERINTENDENT'S recommendations, the BOARD shall determine whether to enter into a contract to establish a charter school. In making its decision, the BOARD shall, at a minimum, consider the information included in the detailed proposal, the information provided by the SUPERINTENDENT, whether or not the requirements of BOARD Policy have been met, the level of employee and parental support for the establishment of the charter school, and the fiscal impact of the establishment of the charter school on the DISTRICT.

### III. Statutory Petition

A. *Timeline.* A written petition requesting the school board to establish a charter school pursuant to Wis. Stat. §118.40(1m) must be filed with the SCHOOL DISTRICT CLERK on or before September 1 of the year preceding the proposed opening date for the proposed charter school. The petition must comport with all of the requirements set forth in Wis. Stat. §118.40(1m).

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- B. *Public hearing.* Within 30 days after receiving a written petition, the BOARD shall hold a public hearing on the petition. At the hearing, the BOARD shall consider the level of employee and parental support for the establishment of the charter school described in the petition and the fiscal impact of the establishment of the charter school on the school district. After the hearing, the school board may grant the petition.
- C. *Granting of Petition.* Within 30 days of the public hearing, the BOARD shall either grant or deny the petition and enter into a charter contract.
- D. *Administrative Analysis.* Following receipt of the written petition, the BOARD may request that the SUPERINTENDENT complete and submit a written analysis of the proposed charter school. Such analysis shall be submitted at least 10 days prior to the date on which the BOARD will render a decision regarding whether to grant or deny the petition.

IV. Charter School Requirements and Prohibitions

- A. *Requirements.* A charter school, regardless of how initiated, shall do all of the following:
  - 1. Meet all established deadlines.
  - 2. Be open and candid with DISTRICT officials and be willing to meet with DISTRICT officials and MEMBERS of the BOARD as part of the review process.
  - 3. If a charter school replaces a DISTRICT school in whole or in part, it must give preference in admission to any pupil who resides within the attendance area of that school.
  - 4. Be nonsectarian in its programs, admissions policies, employment practices and all other operations.
  - 5. Establish a selection lottery system that ensures equal access to all qualified students to be used when a school is over subscribed.
  - 6. Fully and completely understand the requirements for providing special education services to students with disabilities and demonstrate an understanding of the impact such obligations may have on financial, personnel and facility decisions. A charter school must accept all-qualified students regardless of disability and must provide the required services on site or pay for services to be provided by another, qualified entity. A charter school must provide

Individualized Education Plans (IEPs) and/or Section 504 Plans, as appropriate.

B. *Prohibitions.* A charter school shall not:

1. Charge tuition
2. Discriminate in admission or deny participation in any program or activity on the basis of a person's gender, race, religion, national origin, ancestry, pregnancy, marital, or parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional or learning disability.

V. Location

As part of the submission of a Detailed Proposal (see Section I.A.2 and 3, and Section II.D, above) or a statutory petition (see Section III, above), an applicant shall provide information regarding the proposed location of the proposed charter school, including, but not limited to, a description of the location, the proposed value of the property (i.e. rental amount or cost to purchase), a description of any work needed in order to secure an occupancy permit and the costs associated with such renovations. ~~[additional Board discussion necessary]~~

VI. Financial Considerations

A. As part of the submission of a Detailed Proposal (see Section I.A.2 and 3, and Section II.D, above) or a statutory petition (See Section III, above), an applicant must submit a detailed five-year budget using the DISTRICT'S standard budget format. Applicants should contact the ASSISTANT SUPERINTENDENT OF BUSINESS or his/her designee early in the planning process for more information regarding the DISTRICT'S budget process and format.

B. *Charter School Funding Formula.* All charter schools developed and initially chartered after July 1, 2013 shall receive funding pursuant to the following funding formula.

Year 1- (per pupil amount [not yet established] x 1) x total annual enrollment

Year 2- (per pupil amount x 1) x total annual enrollment

Year 3- (per pupil amount x .9) x total annual enrollment

Year 4 onward- (per pupil amount x .8) x total enrollment

A private fundraising offset may be applied after Year 3. Such offset shall be equivalent to an amount \_\_\_% of all privately raised funds.

~~C. Federal Grant Funding including Title and IDEA Funds. [Language around eligibility for Federal Grant monies]~~

V. Notification of State Superintendent.

The BOARD will notify the State Superintendent of Public Instruction by March 1 of its intention to establish a charter school for the following school year. Such notification shall include a description of the charter school.

VI. Completion of Documents.

By April 1 or as soon as practicable, after the decision of the BOARD to proceed with the creation of the charter school, the documents, including the contract, that are necessary to establish the charter school will be completed.

VII. Length of Approval.

A charter school may be approved or renewed for a period of not less than two nor more than five years.

V. Review; Renewal; Revocation.

A. *Annual Review.* A charter school established by the Board will be reviewed on an annual basis in accordance with the provisions of the charter.

B. *Time for Renewal.* An application for the renewal of a charter school must be submitted to the Board no later than six months prior to the expiration of the existing charter. The Board shall decide whether to renew a charter school no later than five months prior to the expiration of the existing charter.

C. *Revocation of Approval.* A charter may be revoked by the Board if any of the following occur:

1. The charter school violates its contract with the Board.
2. The pupils enrolled in the charter school fail to make sufficient progress toward attaining the educational goals under s. 118.01.
3. The charter school fails to comply with generally accepted accounting standards of fiscal management.

4. The charter school violates s. 118.40.
5. For good cause.

3/24/08  
Revised 3/\_\_\_/13

## APPENDIX E

### APPLICATION REQUIREMENTS

Application requirements include submission of ten (10) copies of the paper version and one (1) copy of an electronic version. The electronic version should be submitted in Microsoft Word, Excel or PDF formats. An outline of the information to be presented in the Application is as follows:

#### 0.00 ABSTRACT

#### 1.00 SCHOOL DESIGN

- 1.01 Provide the name of the proposed charter school.
- 1.02 Provide the name(s), address(s), telephone number(s), and email address(s) of the organization or individuals submitting the application to create a charter school; 118.40(1m)(b) 1.
- 1.03 Identify how the school will operate as a legal entity under Wisconsin law.
- 1.04 Describe the student body to be served by the school and, for each of the first five years, indicate the grades the school will house, the number of expected students per grade, and the expected number of students per class.
- 1.05 State the mission and vision of the school.
- 1.06 State the core beliefs of the school.
- 1.07 Explain how the mission, vision, and core beliefs are grounded in specific research.
- 1.08 Note the unique aspects of the school and explain why the community needs this school.
- 1.09 Describe how the mission and core beliefs will drive decision-making during the development and operation of the school.
- 1.10 Characterize the school culture desired for the school and how this culture will be established.
- 1.11 Describe the process that will be used to develop an initial strategic plan.

## 2.00 GOVERNANCE AND LEADERSHIP

- 2.01 Identify the organization and individuals involved in the development of the school.
- 2.02 Describe how this organization and/or these individuals individually and collectively, embody the characteristics, skills, and experience necessary to establish the school as an effective, stable organization.
- 2.03 Describe the board that will be created to lead the school.
- 2.04 Describe the process to be used for the selection of board members.
- 2.05 State the general duties of board members.
- 2.06 Explain how the governance of the school will embody principles of democratic management, including but not limited to parental participation; 118.40(1m)(b)6.
- 2.07 Explain how the board will establish policy and work with the staff to promote the goals of the program.
- 2.08 Attach a copy of the by-laws of the board (if available).
- 2.09 Attach a copy of articles of incorporation as defined by Wisconsin law.
- 2.10 List the names and occupations of individuals who will serve on the initial school board (if available).
- 2.11 Explain how the school will operate in terms of lines of authority and responsibility. Include an organization chart.
- 2.12 Identify the position(s) and the level of expertise of the individual(s) responsible for managing the school and the manner in which administrative services will be provided; 118.40(1m)(b)2.
- 2.13 Identify the criteria to be employed in hiring the school director/principal.
- 2.14 If the charter school will be managed/operated by a third party, identify the organization and its role in the charter school operation.

### **3.00 COMMUNITY AND PARENT ENGAGEMENT**

- 3.01 Describe the community the school will serve.
- 3.02 Explain how the community has been involved in developing the school.
- 3.03 Explain how the community will be involved in the operation of the school.
- 3.04 Describe community partnerships the school will have or hopes to have.
- 3.05 Describe how relationships to attract and retain students, enhance student learning, and satisfy students and stakeholders will be built.
- 3.06 Describe how requirements, expectations, and preferences of students, parents, and other stakeholders will be determined.

### **4.00 MARKETING, RECRUITMENT, AND ADMISSIONS**

- 4.01 Describe the marketing program that will be used to inform the community about the school.
- 4.02 Explain how students will be recruited for the program.
- 4.03 Describe the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the school district population; 118.40(1m)(b)9.
- 4.03 Describe admission policies and practices to be used to enroll students the first year and succeeding years; 118.40(1m)(b)10.
- 4.04 Describe strategies to be employed when, and if, more students apply for admission than there are seats available.

### **5.00 FACULTY AND STAFF**

- 5.01 Identify how administration, faculty and staff will be recruited and how the school will ensure the quality of the workforce.
- 5.02 Describe how job requirements, compensation, career progression workforce practices, and work environment will motivate faculty and staff to achieve high performance.
- 5.03 Describe how the faculty and staff education and training programs will support the achievement of overall objectives.

- 5.04 Describe how the work environment will foster learning and continuous improvement for both staff and students.
- 5.05 Describe how the school will meet the requirement that all instructional staff hold a license or permit to teach issued by the Department of Public Instruction; 118.40(1m)(b)7.

## **6.00 CURRICULUM AND INSTRUCTION**

- 6.01 Describe the educational program of the school; 118.40(1m)(b)3.
- 6.02 Identify the content of the instructional program.
- 6.03 Characterize the instructional methodology to be utilized by the faculty; 118.40(1m)(b)4.
- 6.04 Explain how chosen instructional content and methodology will achieve the school's objectives.
- 6.05 Describe the research that supports this approach to educating children.
- 6.06 Describe the program design, methods and strategies for serving students with disabilities and for complying with all related federal laws and regulations.
- 6.07 Describe the program design, methods, and strategies for serving students who are English language learners and for complying with all related federal laws and regulations.

## **7.00 STANDARDS, ASSESSMENT, AND ACCOUNTABILITY**

- 7.01 Describe the standards on which the educational program will be based.
- 7.02 Describe how pupil progress to attain the educational goals and expectations of the State of Wisconsin will be determined; 118.40(1m)(b)5.
- 7.03 Describe the requirements for high school graduation (if applicable).
- 7.04 Define how the results of the educational program will be assessed.
- 7.05 Describe the student achievement goals that will be met during the first five years of operation.
- 7.06 Describe how the school will ensure the quality and availability of needed data and information.

- 7.07 Describe how standards, assessment, and accountability will be integrated into a coordinated system.
- 7.08 Describe how effective performance management systems will be provided to improve student and organizational performance.
- 7.09 Describe the school calendar for the first year of operation, the number of days of instruction to be provided during that year, the length of the school day, and the number of minutes of instruction per week for each subject.

#### **8.00 EDUCATIONAL SUPPORT PROCESSES**

- 8.01 Describe how key processes for design and delivery of the educational program will be managed.
- 8.02 Describe how instructional content and methodology will be continuously improved.
- 8.03 Explain the procedures for ensuring the health and safety of students; 118.40(1M)(B)8.
- 8.04 Identify the procedures for school discipline, suspension, and potential removal of a child from the program; 118.40(1M)(B)12.
- 8.05 Describe the methodology for maintaining pupil records and ensuring accurate record keeping in regard to student attendance, achievement, health, activities and emergency contacts. Attach the student record plan and related policies and practices.
- 8.06 Identify key student services and how they will be managed.
- 8.07 Describe how key processes that support daily operations will be managed.
- 8.08 Describe the special education program to be provided including governance, pupil identification, development of IEP's, delivery of special education and related services and program financing.

## 9.00 BUSINESS AND FINACIAL OPERATIONS

- 9.01 Identify the individuals and their level of expertise who were involved in developing the schools financial plan.
- 9.02 Identify the position and the level of expertise of the individual(s) who will be responsible for managing the business aspects of the school.
- 9.03 Identify how capital required to plan and open the school will be obtained. If funds are going to be borrowed, identify potential lenders and the amount of the loan required.
- 9.04 Identify the potential site of the school, how the site will be procured, the estimated cost of procurement, and the estimated cost of construction and/or renovation.
- 9.05 Provide a description of the school facility, or proposed facility and its layout. Include the number and size of classrooms, common areas, and recreational space. Identify the level of handicapped accessibility; 118.40(1M)(B)14.
- 9.06 Describe the transportation arrangements made for the charter school students.
- 9.07 Describe how food services will be provided for students.
- 9.08 Provide revenue and expenditure budgets for the first three years of operation.
- 9.09 Provide a projected cash flow statement for the planning stage and the first year of operation.
- 9.10 Identify the critical levels of enrollment and revenue required to insure sufficient cash flow for program operation.
- 9.11 Show how the budget addresses the unique aspects of the school.
- 9.12 Describe the plan for annually auditing the schools finances and identify the firm which will conduct the audit (if selected); 118.40(1M)(B)11.
- 9.13 Present a plan for raising funds needed beyond the per-pupil allocation provided under state law.

## **10.00 LEGAL REQUIREMENTS AND PROCEDURES**

- 10.01** List the legal requirements for operating a public charter school.
- 10.02** Describe the policies and procedures developed to address these requirements.
- 10.03** Describe the level and types of insurance coverage the board will provide.
- 10.04** Explain the school's student records plan for developing and maintaining student achievement, health, emergency contact, high school credit, activities, and the like.
- 10.03** Identify how students, staff, faculty, and parents will gain an understanding of the rights and responsibilities these requirements create.