



Date: April 15, 2013

To: Board of Education

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

cc: Jennifer Cheatham, Superintendent

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

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Tonight we present you with Draft 4 of the proposed changes to Policy 10000 (Charter Schools). We believe these changes reflect the suggestions made during last month's Committee discussion. Attached hereto is a redline draft highlighting the differences between Draft 3 and Draft 4. Also attached is a final version which incorporates all the changes in Draft 4.

In our effort to update and finalize the Policy we:

- Numbered the guiding principles (page 10-1 in the attached redline draft)
- Established an annual funding formula (page 10-8)
- Provided language around additional funding for administrative services (page 10-8)
- Provided language around additional funding for categorical aids (page 10-8)
- Revised language relative to fundraising (page 10-9)

Attachments:

- Draft 4 – Revisions to Policy 10000 (Charter Schools)
- Final Version – Policy 10000 (Charter Schools)

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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:

1. All charter schools must meet high standards of student achievement while providing increased educational opportunities, including broadening existing opportunities for struggling populations of students;
2. All charter schools must have an underlying, research-based theory and history of successful practice that is likely to achieve academic success;
3. 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;
4. All charter schools will ensure equitable access to all students regardless of gender, race and/or disability;
5. All charter schools must be financially accountable to the DISTRICT and rely on sustainable funding models;
6. All charter schools must ensure the health and safety of all staff and students;
7. All externally-developed charter schools must be governed by a governance board that is registered as a 501(c)(3), tax-exempt charitable organization;
8. All charter schools must have a plan to hire, retain and recruit a highly-qualified, diverse staff;
9. All charter schools must have a clear code of student conduct that includes procedures for positive interventions and social emotional supports

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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 or the SUPERINTENDENT 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 | Initial Application Due Date | Initial Application and Scoring Rubric Provided to Planning and Development Committee and Full Board | District Response to Initial Application | Detailed Proposal Due Date | Detailed Proposals and completed Reviewer's Guide sent to the Board | Public Hearing    | Admin. Anal. Due to Board | Board vote on whether to establish charter school | District Response to Detailed Proposal |
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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.
5. Once the Charter Application Review Committee has reviewed all timely-submitted applications, all applications receiving at least the established minimum score 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.
6. The SUPERINTENDENT or his/her designee shall send a written invitation to all applicants approved by the BOARD inviting said applicant to submit a Detailed Proposal.

*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.

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. 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
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. 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).
- 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 non-sectarian in its programs, admissions policies, employment practices and all other operations.
  5. Establish a selection lottery system that ensures equal access to all 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 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.

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 annual funding pursuant to the following funding formula:

The number of pupils (based on projected enrollment set forth in the charter contract) multiplied by the Department of Instruction's open enrollment per pupil transfer amount.

In addition to the per pupil funding set forth above, an applicant may request, through the Detailed Proposal, that the DISTRICT provide administrative services (i.e. Human Resources support, Accounting support) similar to those provided to traditional DISTRICT schools.

If approved, the proposed charter school may also be eligible to receive categorical aids, such as Title 1 funds. Such funds, if applicable, shall be paid in addition to the per pupil funding set forth above.

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- C. Fundraising for private funds is permissible in the initial two years of the charter school without a reduction to the DISTRICT funds provided pursuant to the formula in Section VI.B, above. At the onset of the third year of the charter school, if the amount raised through private fundraising causes the charter school's per pupil revenue to exceed one hundred and ten percent (110%) of the DISTRICT'S average per pupil costs, the DISTRICT-provided funds shall be reduced for the subsequent school year by the amount the charter school's per pupil revenue exceeds 110% of the DISTRICT'S average per pupil cost. Such reduction may not exceed twenty-five percent (25%) of the total DISTRICT funding provided in any school year.

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VI. 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.

VIII. 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.

IX. Length of Approval

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

X. 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 eight 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.

Revised 4/15/2013,

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*C. Initial Application*

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### 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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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 non-sectarian in its programs, admissions policies, employment practices and all other operations.
5. Establish a selection lottery system that ensures equal access to all 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 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.

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 annual funding pursuant to the following funding formula:

The number of pupils (based on projected enrollment set forth in the charter contract) multiplied by the Department of Instruction's open enrollment per pupil transfer amount.

In addition to the per pupil funding set forth above, an applicant may request, through the Detailed Proposal, that the DISTRICT provide administrative services (i.e. Human Resources support, Accounting support) similar to those provided to traditional DISTRICT schools.

If approved, the proposed charter school may also be eligible to receive categorical aids, such as Title 1 funds. Such funds, if applicable, shall be paid in addition to the per pupil funding set forth above.

C. Fundraising for private funds is permissible in the initial two years of the charter school without a reduction to the DISTRICT funds provided pursuant to the formula in Section VI.B, above. At the onset of the third year of the charter school, if the amount raised through private fundraising causes the charter school's per pupil revenue to exceed one hundred and ten percent (110%) of the DISTRICT'S average per pupil costs, the DISTRICT-provided funds shall be reduced for the subsequent school year by the amount the charter school's per pupil revenue exceeds 110% of the DISTRICT'S average per pupil cost. Such reduction may not exceed twenty-five percent (25%) of the total DISTRICT funding provided

in any school year.

VI. 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.

VIII. 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.

IX. Length of Approval

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

X. 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 eight 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.

Revised 4/15/2013