



LEGAL SERVICES MEMORANDUM

Date: May 18, 2011
To: School Board Members **APPENDIX MMM-11-29**
From: Matthew W. Bell, Associate General Counsel **May 23, 2011**
cc: Daniel Nerad
Subject: **Badger Rock Contract Addendum**

Attached please find a proposed Addendum to the Badger Rock Charter Contract. On May 5, 2011, I provided the identical Addendum to the Board. On that date I also informed the Board that the attached Addendum is necessary in order to address DPI's finding that the current Badger Rock Charter Contract does not contain "the reasons by which the BRMS governance council may withdraw or revoke the contract."

After consideration, the Board may approve the attached Addendum via the following motion:

It is recommended to approve the First Amendment to the Charter School Contract Establishing Badger Rock Middle School previously approved on February 28, 2011 and identified in Appendix MMM-8-33 in order to incorporate language related to the Badger Rock Governance Council's ability to revoke the Charter.

**FIRST AMENDMENT TO THE
CHARTER SCHOOL CONTRACT**

**APPENDIX MMM-11-29
May 23, 2011**

**ESTABLISHING
BADGER ROCK MIDDLE SCHOOL**

BY

**THE MADISON METROPOLITAN SCHOOL DISTRICT
Board of Education
Madison, Wisconsin**

AND

Badger Rock Middle School

May 23, 2011

CHARTER SCHOOL CONTRACT BETWEEN

**THE BOARD OF EDUCATION OF THE
MADISON METROPOLITAN SCHOOL DISTRICT**

AND

BADGER ROCK MIDDLE SCHOOL

Whereas, the State of Wisconsin has created a Charter School program under the provisions of s. 118.40, *Wisconsin Statutes*; and

Whereas, the Madison Metropolitan School District (“MMSD”) is authorized by s. 118.40(2m), *Wisconsin Statutes*, to initiate and enter into a contract with an individual or group to operate a school as a charter school, subject to the approval of the Board of Education of the Madison Metropolitan School District; and

Whereas, the Badger Rock Middle School Governing Council (“Council”) sought to establish the Badger Rock Middle School (BRMS); and

Whereas, on December 13, 2010, the Board of Education of the Madison Metropolitan School District unanimously voted to enter into a contract consistent with applicable Board policy and any existing or modified bargaining agreements, to establish the Badger Rock Middle School as an instrumentality charter school for a period of five years from July 1, 2011 until June 30, 2015; and

Whereas, the Council and the MMSD (collectively referred to as the “Parties”) successfully negotiated the Charter Contract as a charter school contract in accordance with s. 118.40, *Wisconsin Statutes*, and in particular, the provisions specified under sub. (1m)(b) 1. to 15; and

Whereas, on December 13, 2010, MMSD Board of Education unanimously voted and approved a Charter School Contract to establish the Badger Rock Middle School; and

Whereas, the Department of Public Instruction notified the MMSD and BRMS that specific contractual elements must be agreed upon and memorialized in an addendum to the Charter Contract executed by the Parties; and

Now therefore, in consideration of this charter, and pursuant to the Charter School requirements set forth in s. 118.40(1m)(b) 1 – 15, the Board of Education of MMSD and the Council hereby agree to the following:

1. **Revocation of the Charter During the Term of This Contract**

The Charter Contract with MMSD may be terminated during the term of the Contract by the Council if the Council finds that any of the following has occurred:

- 2.01 The MMSD violated the Charter Contract;
 - 2.02 The pupils enrolled in BRMS failed to make sufficient academic progress under WIS. STAT. § 118.01;
 - 2.03 For good cause.
2. The Parties agree that the rights, obligations, commitments and duties set forth in the Original Agreement are not altered by this Amendment and remain in full force and effect.

- 3. The Parties agree that the Effective Date, Term and Renewal of the Original Agreement shall also apply to this Amendment.

Under the authority of s. 118.40, *Wisconsin Statutes*, the Madison Metropolitan School District, with the approval of the Board of Education, hereby amends the Charter Contract granting the Badger Rock Middle School Governance Council a charter to operate Badger Rock Middle School pursuant to the terms and conditions of this Amendment. The undersigned have read, understand, and agree to comply with and be bound by the terms and conditions as set forth in this Amendment.

BADGER ROCK MIDDLE SCHOOL

MADISION METROPOLITAN SCHOOL DISTRICT:

Name

Name

Title

Title

Date

Date

Name

Title

Date