



## 6010 B

### Performance Contracts

### *Regulation 6010 B*

Original Adoption: 01/20/2011

Effective Date: 01/20/2011

Revision Dates:

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#### **I. PURPOSE**

This regulation establishes the requirements of performance contracts to be entered into by the District with authorized autonomous schools. Performance contracts shall delineate the terms of the agreement between the District and the school related to student academic achievement goals, operational excellence and compliance with relevant District policies, Minnesota and Federal law. Each type of autonomous school may have in addition to the basic requirements features specific to the type of school in keeping with District goals for authorizing the school and Minnesota law defining that type of school.

#### **II. REQUIREMENTS OF PERFORMANCE CONTRACTS**

- A. Performance contracts offered to candidates for authorization shall not include the terms of any separate contract for operational or academic services that the school may enter into with the District, such as transportation or nutrition services, etc.
- B. The Superintendent or Superintendent's designee shall offer a performance contract to candidates for authorization as a MPS authorized charter school, an MPS authorized self-governed school, or a prospective contracted services school that includes the following elements:
1. the term of the agreement including both start and end dates;
  2. definitions of terms used in the contract;
  3. student academic achievement goals for the autonomous school; including requirements regarding institution of improvement plans if achievement goals are not met;
  4. the required assessments and assessment goals to be used to demonstrate student achievement;
  5. the oversight plan proposed by the District.
  6. school governance standards; including
    - a) evidence of the school's legal status;
    - b) identification of the body authorized to receive notices for the school;
  7. school operations standards; including
    - a) the school's admissions policy and practices;
    - b) the school's non-sectarian nature in program, policies, employment practices and all other purposes;
    - c) requirements that all staff of the school comply with criminal background check requirements of Minnesota Law;



- d) requirements that the school will comply with student immunization requirements of Minnesota law;
  - e) licensure requirements of instructional staff;
  8. requirement of an annual report to the Superintendent and the Board of Directors;
  9. participation in any Council or Committee established by the District for communication between the District and autonomous schools;
  10. may require the participation of the school in District approved research to identify best practices;
  11. An undertaking that the school will comply with the Minnesota Pupil Fair Dismissal Act;
  12. the terms of the oversight plan for the contract.
- C. In addition to those elements described in Paragraph II.B. above, the Superintendent or Superintendent's designee shall require the performance contract for candidates for authorization as a MPS authorized charter school or an MPS authorized self-governed school the following elements:
1. graduation standards to be used (for autonomous high schools);
  2. school governance standards; including
    - a) the school's governing documents;
    - b) compliance with Minnesota Law regarding data practices and open meetings;
    - c) provision for the Superintendent or Superintendent's designee to address the school's governing board on subjects selected by the District
    - d) provision that the Superintendent or Superintendent's designee be provided with the agenda and supporting documents for all governing body meetings in advance of the public meeting, and that copies of all minutes of such meeting be provided prior to the following scheduled meeting;
    - e) provision that any administrator appointed or employed by the board who does not hold a valid administration license shall develop and maintain a professional development plan, documentation of which shall be included in the school's annual report.
  3. school operations standards; including
    - a) the operations structure suggested by the school and approved by the District; including the terms of any contract entered into by the governing body of the school with a third party for comprehensive school management or operations services;
    - b) compliance with Minnesota Employment laws;
    - c) requirements for administrative leadership;
  4. financial management standards; including



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- a) training requirements for school operators and administrators;
  - b) financial reporting requirements to the District and to the school community
  - c) requirements regarding prompt payment of creditors and notice to the District of the reason for arrears or delay in payment of any creditor;
  - d) requirements regarding comprehensive management service providers, including school management or operations service providers.
- D. In addition to those elements described in Paragraphs II.B. and II.C above, the Superintendent or Superintendent's designee shall require the performance contract for candidates for authorization as a MPS authorized charter school the following elements:
- 1. identification of contract terms that survive the termination, expiration or cancellation of the performance contract;
  - 2. application of requirements of ESEA (Elementary and Secondary Education Act), NCLB (No Child Left Behind) or their successors to the autonomous school;
  - 3. application of IDEA (Individuals with Disabilities Education Act) requirements to the autonomous schools;
  - 4. location of the school site or sites including a copy of the school's application for approval of its leased site or sites sent to the Minnesota State Department of Education.
  - 5. the authorized grades for the proposed charter school;
  - 6. requirements that all governance personnel of the school comply with the same criminal background check requirements of Minnesota Law applied to instructional or coaching staff;
  - 7. assurances that the school shall not charge tuition to residents of Minnesota.
  - 8. assurances that any fees charged by the school to students comply with the Minnesota Public Schools Fee Law.
  - 9. assurances that the school will not be used as a method of generating revenue for students who are being home schooled;
  - 10. requirements that the school give notice to the Superintendent or Superintendent's designee of any complaints that allege a violation of state or federal law or regulation has been committed by the school, its employees or agents, unless reporting would be in non-compliance with a state or federal law;
  - 11. requirements regarding financial management, including the following elements:
    - a) that the school will comply with audit requirements applied to all school districts under Minnesota law;



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- b) that the school will use the financial accounting principles and methods common to Minneapolis Public Schools;
  - c) that the school will obtain any insurance coverage required by the state for school districts. If such insurance is required by the state, the school will provide the District with certificates of insurance issued as requested.
12. requirements that the school will use the state student accounting system.
13. requirements that the school shall comply with all federal, state and local health and safety requirements applicable to school districts.

### III. DEFINITIONS

The following terms shall be defined as follows for the purpose of this regulation:

- A. “Autonomous schools” shall mean the types of schools described in MPS Policy 6010 – Autonomous Schools.
- B. “Board” or “Board of Directors” shall mean the Board of Directors of Special School District No. 1, Minneapolis Public Schools
- C. “District” shall mean Special School District No. 1, Minneapolis Public Schools

### IV. RESPONSIBILITY

The Superintendent shall present the performance contract negotiated under the terms of this regulation and applicable law for approval by the Board of Directors.

#### ***Legal References:***

- 20 U.S.C. ch. 70 (Elementary And Secondary Education Act)
- 20 U.S.C. §1400 *et seq.* (Individuals with Disabilities Education Act)
- 20 U.S.C. §6301 *et seq.* (No Child Left Behind)
- Minn. Stat. Ch. 13 (Government Data Practices Act)
- Minn. Stat. Ch. 13D (Minnesota Open Meeting Law)
- Minn. Stat. §120A.22 (Compulsory Education)
- Minn. Stat. §120B.02 (Educational Expectations for Minnesota's Students)
- Minn. Stat. §120B.024 (Graduation Requirements; Course Credits)
- Minn. Stat. §121A.04 (Athletic Programs; Sex Discrimination)
- Minn. Stat. §121A.15 (Health Standards; Immunizations; School Children)
- Minn. Stat. §§121A.40 – 121A.56 (Minnesota Pupil Fair Dismissal Act)
- Minn. Stat. §122A.15 (Teachers, Supervisory and Support Personnel, Definitions, Licensure)
- Minn. Stat. §123B.03 (Background Check)
- Minn. Stat. §§123B.34 – 123B.39 (Minnesota Public School Fee Law)
- Minn. Stat. §§123B.75 – 123B.83 (Financial Reporting Requirements, Audits)
- Minn. Stat. §124D.10 *et seq.* (Charter School Law)
- Minn. Stat. Ch. 125A (Special Education and Special Programs)
- Minn. Stat. Ch. 179A (Public Employment Labor Relations Act)
- Minn. Stat. §181.932 (Disclosure of Information by Employees)



Minn. Stat. Ch. 308A (Cooperatives)

Minn. Stat. Ch. 317A (Nonprofit Corporations)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. Ch. 466 (Tort Liability; Political Subdivisions)

Minnesota Rules parts 3501-0010 -3501.0280 (Required State exams in Reading, Math and Writing)

***Cross References:***

MPS Policy 6010 (Autonomous Schools)

MPS Regulation 6010 A (Application Procedures)

MPS Regulation 6010 C (Oversight of Autonomous Schools)

MPS Regulation 6010 D (Renewal or Termination)