

CITY OF MILWAUKEE
2016 OCT 28 P 1:12
CITY CLERK'S OFFICE

October 25, 2016

Jim Owczarski
City Clerk
City Hall
200 East Wells Street, Room 205
Milwaukee, WI 53202

Dear Honorable Jim Owczarski:

This is a formal letter of interest, under Wis. Stat. § 119.61, to purchase Hayes, located at 2431 South 10th Street.

In its 10th year, Right Step, Inc., a school participating in the Milwaukee Parental Choice Program, specializes in serving the most difficult children in Milwaukee. The majority of their students are those who have already been expelled from Milwaukee Public Schools and are looking for a second chance in life. Right Step is a highly structured, military-style school that provides its students with the discipline that they need to succeed in life. It is also a very safe school; since 2011, there have been no police calls about cadets at Right Step.

Seeking to spread their mission to more of Milwaukee's at-risk youth, Right Step wants to expand into a second campus by purchasing a vacant school building in Milwaukee.

Under § 119.61, only "education operators" can purchase eligible school buildings. As a private school, Right Step is an "education operator" as defined in § 119.61(1)(a). It was approved as an "education operator" by the Common Council on March 22, 2016.

Hayes meets at least two of the separate – and independent – definitions of an eligible school building under §119.61.

First, the definition of an "eligible school building" also includes a "school building that has been *unused* ... for a period of 12 consecutive months, including the 12 months preceding the effective date of July 14, 2015." § 119.61(1)(b)2. MPS's August 2015 and 2016 facility inventory spreadsheets both state that Hayes has not been educating any children for at least a period of 12 consecutive months. This means that Hayes is unused within the meaning of § 119.61 and, therefore, an "eligible school building."

Second, the definition of an "eligible school building" in § 119.61(1)(b)2 also includes "a school building that is *underutilized* as a school building for a period of 12 consecutive months, including the 12 months preceding the effective date of July 14, 2015." According to § 119.61 (1)(c)2.a, an underutilized school building means a school building that, among other definitions, "is not staffed on a full-time basis by a

principal and instructional staff assigned exclusively to the school building.” According to MPS’s August 2016 building inventory list, there is no principal or any full time employees at Hayes. This means that Hayes is also underutilized.

According to § 119.61, a building only has to meet one of the definitions to be an “eligible school building.” Hayes meets at least two separate definitions. Yet when I inquired about submitting an LOI for Hayes, I was told it was not an eligible school building because it was subject to an active expansion plan.

But even if this were true (and it has not proven to be true), it would not matter. The two definitions of “eligible school building” that I cite above does not reference active expansion plan at all as a way to prevent listing a building as eligible.

According to § 119.61(1)(c)1, another definition of an “eligible school building” is a building that is used less than 40% for student instruction. In that case, the building would not be “eligible” if it is subject to an “active expansion plan,” An active expansion plan is “one in which the board can demonstrate to the common council that expansion of pupil enrollment will occur in the school year following the school year in which less than 40% of the capacity of the building is used.” But this subsection only applies to buildings that are operating as schools but at less than 40% occupancy. This subsection does not apply to buildings that are surplus; buildings that are unused; or buildings that are underutilized as defined in § 119.61(1)(c)2.a.

The current MPS inventory list identifies Hayes the site for “Newcomers Center/school.” It is unclear what this means but it certainly do not reflect in any way that the building is not an “eligible school building.”

According to § 119.61(3)(b), no later than 60 days after receiving the inventory list of Milwaukee Public Schools (MPS) buildings, the City Clerk must post public notice on the City’s website, permitting educational operators to submit letters of interest to purchase eligible school buildings. This date has lapsed but Hayes is not listed on the City’s website. Presumably, this is because the 2016 MPS inventory list does not correctly list Hayes. The inventory list identifies Hayes as part of an active expansion plan, but as shown above that section of the statute is not applicable here.

As a result, Right Step has a right to and is submitting a letter of interest to purchase Hayes. If no other education operator submits a letter of interest for Hayes within 28 days of this date, then the Milwaukee Common council must “negotiate a reasonable purchase price” with me and complete the sale within 60 days. See § 119.61(4)(c).

Sincerely,

Rebecca Fitch



Right Step, Inc.
3717 South Pine Avenue
Milwaukee, WI 53207
414-617-0021
rfitch17@gmail.com

Represented by
Wisconsin Institute for Law & Liberty
1139 East Knapp Street
Milwaukee, WI 53202



School Contact and Submittal Information

Instructions

Below is your school's current information on our records. Correct or add information in the boxes provided, overtyping any incorrect information.

Note: Our system no longer accommodates multiple contacts for each private school. Enter the information for the contact you want to list in the *Wisconsin School Directory*.

School Contact

Personal Title *Example: Rev* _____
 *First Name Rebecca _____
 Middle Name Leigh _____
 *Last Name Fitch _____
 Suffix *Example: Jr* _____
 *Phone Area/No. 4143545479 _____
 Phone Extension _____
 *Title CEO/Administrator _____

Person Completing Report

*Name *First & Last* Frank Lucatero _____
 E-mail Address dsgtluca@gmail.com _____
 *Phone Area/No. 414-354-5479 _____

To submit this report to DPI, you must click the Submit Report button on the next page. By clicking "Submit Report" you are certifying that the data provided in this survey is complete and accurate to the best of your knowledge.

If the Submit Report button is not selected, the DPI will not receive your data and will email you automatic reminders to complete the report.

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200 East Wells Street, Room 205
Milwaukee, WI 53202

Dear Honorable Jim Owczarski:

This is a formal letter of interest, under Wis. Stat. § 119.61, to purchase 68th Street School, located at 6720 W. Moltke Avenue.

In its 10th year, Right Step, Inc., a school participating in the Milwaukee Parental Choice Program, specializes in serving the most difficult children in Milwaukee. The majority of their students are those who have already been expelled from Milwaukee Public Schools and are looking for a second chance in life. Right Step is a highly structured, military-style school that provides its students with the discipline that they need to succeed in life. It is also a very safe school; since 2011, there have been no police calls about cadets at Right Step.

Seeking to spread their mission to more of Milwaukee's at-risk youth, Right Step wants to expand into a second campus by purchasing a vacant school building in Milwaukee.

Under § 119.61, only "education operators" can purchase eligible school buildings. As a private school, Right Step is an "education operator" as defined in § 119.61(1)(a). It was approved as an "education operator" by the Common Council on March 22, 2016.

68th Street School meets at least two of the separate – and independent – definitions of an eligible school building under §119.61.

First, the definition of an "eligible school building" includes a "school building that has been *unused* ... for a period of 12 consecutive months, including the 12 months preceding the effective date of July 14, 2015." § 119.61(1)(b)2. MPS's August 2015 and 2016 facility inventory spreadsheets both state that 68th Street has not been educating any children for at least a period of 12 consecutive months. In fact, the inventory spreadsheet says it has not had any pupil instruction for the past 36 months. This means that 68th Street School is unused within the meaning of § 119.61 and, therefore, an "eligible school building."

Second, the definition of an "eligible school building" in § 119.61(1)(b)2 also includes "a school building that is *underutilized* as a school building for a period of 12 consecutive months, including the 12 months preceding the effective date of July 14, 2015." According to § 119.61 (1)(c)(2)a, an underutilized school

building means a school building that, among other definitions, "is not staffed on a full-time basis by a principal and instructional staff assigned exclusively to the school building." According to MPS's August 2016 building inventory list, there is no principal or any full time employees at 68th street. This means that 68th Street School is also underutilized.

According to § 119.61, a building only has to meet one of the definitions to be an "eligible school building." 68th Street School meets at least two separate definitions. Yet when I inquired about submitting an LOI for 68th Street School, I was told it was not an eligible school building because it was subject to an active expansion plan.

But even if this were true (and it has not proven to be true), it would not matter. The two definitions of "eligible school building" that I cite above do not reference active expansion plan at all as a way to prevent listing a building as eligible.

According to. § 119.61(1)(c)1, another definition of an "eligible school building" is a building that is used for less than 40% for student instruction. In that case, the building would not be "eligible" if it is subject to an "active expansion plan." An active expansion plan is "one in which the board can demonstrate to the common council that expansion of pupil enrollment will occur in the school year following the school year in which less than 40% of the capacity of the building is used." But this subsection only applies to buildings that are operating as schools but at less than 40% occupancy. This subsection does not apply to buildings that are surplus; buildings that are unused; or buildings that are underutilized as defined in § 119.61(1)(c)2.a.

The current MPS inventory list identifies 68th Street School as having an administrative function, i.e., "district support/school." It is unclear what this means but it certainly does not reflect in any way that the building is not an "eligible school building."

According to § 119.61(3)(b), no later than 60 days after receiving the inventory list of Milwaukee Public Schools (MPS) buildings, the City Clerk must post public notice on the City's website, permitting educational operators to submit letters of interest to purchase eligible school buildings. This date has lapsed but 68th Street is not listed on the City's website. Presumably, this is because the 2016 MPS inventory list does not correctly list 68th Street School. The inventory list identifies 68th Street School as part of an active expansion plan, but as shown above that section of the statute is not applicable here.

As a result, Right Step is submitting a letter of interest to purchase 68th Street School. If no other education operator submits a letter of interest for 68th Street School within 28 days of this date, then the Milwaukee Common council must "negotiate a reasonable purchase price" with me and complete the sale within 60 days. See § 119.61(4)(c).

Sincerely,

Rebecca Fitch



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3717 South Pine Avenue
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Personal Title *Example: Rev* _____
 *First Name Rebecca
 Middle Name Leigh
 *Last Name Fitch
 Suffix *Example: Jr* _____
 *Phone Area/No. 4143545479
 Phone Extension _____
 *Title CEO/Administrator

Person Completing Report

*Name *First & Last* Frank Lucatero
 E-mail Address dsgtluca@gmail.com
 *Phone Area/No. 414-354-5479

To submit this report to DPI, you must click the Submit Report button on the next page. By clicking "Submit Report" you are certifying that the data provided in this survey is complete and accurate to the best of your knowledge.

If the Submit Report button is not selected, the DPI will not receive your data and will email you automatic reminders to complete the report.

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