

## **AR 6181 APPLICATION PROCEDURE FOR ESTABLISHING A CHARTER SCHOOL**

The following steps shall be followed in making application for the establishment of a charter school in the school district.

### **Administrative Meeting**

Any person(s) wishing to establish a charter school shall notify the Superintendent of their intention at their earliest convenience. The Superintendent shall establish an administrative committee to meet with the charter school representatives to review the application procedures, discuss the requirements of the application form and the contract between the charter school and the Board, and to answer any questions the charter school representatives may have.

Following the initial meeting with the administrative committee, the charter school representatives shall prepare the information required on the application form, and shall prepare a proposed contract between the charter school and the Board. The required provisions of the contract are the same as the elements required in the application form set forth in this policy. These documents shall be submitted to the Board no later than February 1 of the school year prior to the school year in which the charter school begins operation. Applications received after the February 1 deadline shall not be considered until the next school year.

### **School Board Work Session**

Following the timely receipt of the complete application form and the proposed written contract between the charter school and the Board, the Board shall hold a public work session with the charter school representatives. During this work session, the charter school representatives shall present their proposal for a charter school and the contract with the Board. The Board and the charter school representatives may negotiate provisions of the contract during this meeting.

### **Public Hearing on the Charter School Application**

Following the work session, the Board may hold a public hearing on the proposed charter school application.

### **School Board Action**

Following the work session and the public hearing (if held), the Board shall place the charter school proposal on the agenda for a regular Board hearing. The Board will take action to approve or deny the request to establish the charter school.

### **Application Form**

The application form must state:

1. the name of the charter school;
2. the name, address, and telephone number of a designated person author-ized to act on behalf of the charter school;
3. the names of the members of the Academic Policy Committee and detailed information of the following provisions.

In addition, the application form shall include the following:

1. Description of the education program. This includes a statement of the mission of the charter school, the curriculum in each subject matter area of the charter school (including educational/academic goals, instructional methods and materials, and evaluation procedures), and scheduling requirements (length of school day with start and end times, and a calendar for the school year). A charter school shall be nonsectarian.

2. Specific levels of achievement for the educational program. This includes the expected level of attainment of the educational/academic goals using the evaluation procedures specified in the educational program described in item (1) of the application. Failure to meet these levels of achievement will be considered a breach of contract.

3. Admission policies and procedures. This includes the specific criteria for eligibility of students to enroll in the charter school. Admission criteria cannot be discriminatory toward any protected classes of individuals. A charter school and/or Board may not require a student to attend a charter school. A charter school shall enroll all eligible students who submit a timely application unless the number of applications exceeds the capacity of the charter school. A preference for enrollment, up to 10% of the total student enrollment, may be given to the children of the originators of the charter school (parents and staff) if there are more applicants than the approved number of students. Preference may also be granted to siblings of students already enrolled in the charter school. In the event of an excess, the charter school and the Board shall attempt to accommodate the students by considering additional classroom space and/or additional teachers. If it is not possible to accommodate all eligible students, students shall be selected by a random drawing approved by the Board.

The application to establish a charter school shall specify the application procedure for students, including a copy of the student application form, and specify the timelines for application, approvals, and notification. In the case of a multi-year charter school, the contract must also contain provisions for handling the admissions procedures for continuing students from one school year to the next.

4. Administrative policies. The application form must include administrative policies to be followed by the charter school. A charter school is subject to Board policies and administrative regulations unless waivers are granted by mutual agreement between the charter school and the Board. Any exemptions must be specified in the contract. A complete listing of Board policies and regulations is available at the school district administrative office.

To the extent permitted by Alaska laws and regulations, charter schools may waive state regulations except that a charter school must comply with all state and federal requirements for receipt and use of public money. Any waivers to state regulations must be included in the contract. Approval for waivers of state regulations will occur at the time the State Board of Education acts on the locally approved application. By law, waivers of state statutes are not permitted. Copies of the state statutes and regulations are available from the Alaska Department of Education.

5. A statement of the charter school's funding allocation from the Board and costs assignable to the charter school program budget. During the administrative meeting held in accordance with these procedures, the administrative committee shall provide to the charter school representatives an estimated per pupil allocation available from the district for the operation of the charter school. The estimated per pupil allocation shall be computed in a manner consistent with the method in which the district receives revenues from the state less administrative costs retained by the district determined by applying the indirect cost rate approved by the Alaska Department of Education and Early Development. The district shall outline services provided to the charter school for the retention of administrative costs.

The application subsequently submitted by the charter school shall include an annual program budget proposed by the charter school. During the Board work session, the Board and the charter school representative may negotiate the per pupil allocation and other aspects of the annual program budget. In all events, the Board shall provide an approved charter school with an annual program budget that is not less than the amount determined in accordance with [AS 14.03.260](#). The charter school shall not diminish the per pupil financial support of students enrolled in the remainder of the district's schools.

A charter school may not charge tuition to students who reside within the school district. Fees charged to students by the charter school, including but not limited to application and activity fees,

shall be retained by the charter school and included in the charter school program budget.

Actual revenues received by the charter school shall be derived from actual student enrollments in the charter school during the year in which the charter school is operating. The funding allocation set forth in the first paragraph of this section is for purposes of creating a program budget for the charter school for the next school year. Actual student enrollments in the charter school (and revenues generated from those enrollments) shall be ascertained in the same manner that the State of Alaska uses to determine student enrollments and state revenues generated in the school district. Unless otherwise specified in contract, this includes foundation revenues generated for special populations of students and the charter school's portion of the local Borough contribution under [AS 14.17.410\(b\)\(2\)\(c\)](#). Grants and special revenue funds will be available to the charter school as determined by the contract between the Board and the charter school. Operating revenues will be provided to the charter school as specified in the contract.

Funds in excess of the per pupil allocation, if any, paid to the charter school by the school district shall be in accordance with the approval annual program budget. If student enrollment in the charter school during the 20-day count period fluctuates more than 10% above or below the estimated enrollment, the charter school and the Board shall meet to review and renegotiate the charter school budget.

All costs for operating a public school in the school district shall be assigned to the charter school subject to restrictions in the charter school law and the terms of the contract between the Board and the charter school. Operational costs for a charter school housed in a district facility will be charged to the charter school on a pro rata basis according to the costs of building operation. All equipment and supplies purchased by the charter school become the property of the school district upon the completion or termination of the charter school contract.

The established charter school shall annually submit a balanced program budget by February 1st of each year which shows the expected revenues and expenditures for the charter school for the next school year. This annual budget shall be approved by the Board. Adjustments to the charter school budget may be necessary if the estimated revenues are significantly revised due to legislative and/or board/assembly action.

6. Method by which the charter school shall account for receipts and expenditures. This shall include a description of how the charter school will be in compliance with [AS 14.17.190](#), *Restrictions Governing Receipt and Expenditure of Money from Public School Foundation Account*. The charter school shall comply with all district accounting and purchasing policies and specify on the application form how it will provide the financial and accounting information requested by the Board or the Alaska Department of Education. The charter school shall allow district personnel or the district's auditor access to financial information to perform the annual audit.

7. Location and description of the facility. The application form shall contain a description of the location and facility used to house the charter school. A charter school may be operated in an existing school district facility or in a facility within the school district that is not currently being used as a public school. Any facility that is used for a charter school must meet and maintain the federal and state building, fire, health, and safety requirements applicable to other public buildings or public schools in the district. The Superintendent shall make this determination based on inspections made by the code enforcement authorities.

The charter school shall be responsible for obtaining these inspections and shall be responsible for correcting any deficiencies in non-district facilities. The charter school shall maintain code compliance during the duration of the contract.

Charter schools proposing to use district facilities which are already in use as public schools, may do so only on the approval by the Board. The use of the district facilities for the charter school shall be negotiated during the Board's work session with the charter school proposers. The charter

school may pay facility rent as well as a fee for district custodial and utility services based on the number of square feet used in the school. In addition, the charter school may pay a proportional share of any building maintenance.

A charter school which proposes to utilize space in an existing district school shall meet with the superintendent and/or principal of that school and come to a mutual agreement regarding the charter school's observance of school rules and policies. These mutually agreed upon rules and policies shall be included in the charter school application.

For charter schools requesting the use of space in an existing district facility, the administration will annually determine if the amount of space requested by the charter school will be available based on enrollment projections and school capacity.

8. Name(s) of the Teacher(s) who will teach in the charter school. The application form shall contain the names of the teacher or teachers who will teach in the charter school. All teachers in the charter school shall be hired by the school district or selected from the current district staff. A teacher may not be assigned to a charter school unless the teacher consents to the assignment. All provisions of the existing negotiated agreement with the teachers association apply to teachers in the charter schools, unless the Board and the Association agree to an exemption for the charter school. A request for an exemption to the negotiated agreement shall be initiated by the charter school. The charter school shall meet with the Association to discuss the exemption and, if agreeable, the charter school shall obtain a letter from the Association indicating their intent to allow the exemption. A description of the exemption and the letter from the Association shall be included in the application.

Charter school teachers shall be evaluated in an equivalent manner as all other teachers in the district. If the proposed teacher evaluation procedure is not identical to the district's procedure, then the charter school shall include a detailed description of the teacher evaluation procedure proposed to be used in the charter school. Teacher evaluations are confidential and may not be publicly disclosed, including disclosure to members of the Academic Policy Committee, absent a written waiver signed by and dated by the employee. The Academic Policy Committee may request that a teacher waive confidentiality so that the evaluation may be shared with the Academic Policy Committee. If a waiver is not obtained, the Type B certificated evaluator performing the evaluation of charter school teachers shall work in an advisory capacity with the Academic Policy Committee to assist the Committee in making informed decisions regarding the employment of Charter School teachers. The details of this working relationship shall be agreed to in writing between the evaluator and the Academic Policy Committee.

9. Name(s) of support staff who will work at the charter school. The application form shall contain the anticipated support staff positions, or the specific names of support staff, who will work in the charter school. All support staff in the charter school shall be hired by the school district or selected from the current district staff. A support staff may not be assigned to a charter school. Charter school support staff shall be evaluated in an equivalent manner as all other support staff in the district. If the proposed support staff evaluation procedure is not identical to the district's procedure, then the charter school shall include a detailed description of the support staff evaluation procedure proposed to be used in the charter school. Support staff evaluations are confidential and may not be publicly disclosed, including disclosure to members of the Academic Policy Committee, absent a written waiver signed by and dated by the employee. The Academic Policy Committee may request that a support staff employee waive confidentiality so that the evaluation may be shared with the Academic Policy Committee. If a waiver is not obtained, the Type B certificated evaluator performing the evaluation of charter school support staff shall work in an advisory capacity with the Academic Policy Committee to assist the Committee in making informed decisions regarding the employment of Charter School support staff. The details of this working relationship shall be agreed to in writing between the evaluator and the Academic Policy Committee.

10. Teacher-to-student ratio. The application form for establishing a charter school shall specify the teacher-to-student ratio. This shall be determined by dividing the number of full-time equivalent teachers in the charter school by the number of full-time equivalent students in the charter school. For the purposes of the applications, the teacher-to-student ratio shall use the estimated number of full-time equivalent students in the denominator of this equation. Include in the application a description of how this estimate was determined.

11. Number of students served. The application form will include an estimated number of students served (specify both the full-time equivalent number of students) by the charter school for the next school year. The charter school shall annually provide to the school district the names of the students who have pre-registered for the charter school four weeks before the starting date of the charter school.

12. The term of the contract. The application form will include a specification of the term of the contract. No charter school may exceed a ten (10) year contract. A charter school may reapply after the term of the contract has expired.

13. A termination clause. The application form will include a termination clause providing that the contract may be terminated by the Board for the failure of the charter school to meet educational achievement goals, for fiscal management standards, or for other good cause.

14. A certification of compliance for receipt and use of public money. This provision requires a certification that the charter school will comply with all state and federal requirements for the receipt and use of public money.

15. Other requirements or exemptions. If there are additional provisions that either the charter school or the Board wish to include in the contract, then they should be included in this section of the application form. Additional provisions may include other requirements imposed by either the charter school or the Board, or may include other exemptions not covered under Board policies and regulations. These additional provisions of the contract must also be agreed upon by both the charter school and the Board.

16. Risk management. The charter school shall adequately protect against liability and risk through an active risk management program. The program shall include purchase of insurance coverage equal to those held by the school district and shall be established in the contract between the charter and the board of education. The charter school shall operate in such a manner as to minimize the risk of injury or harm to students, employees, and others.

School operations and activities shall be reviewed by the district's Superintendent for compliance with appropriate industry safety practices.

17. Breach of contract. Failure to comply with the provisions of the contract between the charter and the Board is considered a breach of contract and may result in the termination of the charter school. During the charter school's annual review with the Board, compliance with the provisions of the contract will be monitored. If any allegations of noncompliance with the charter school contract (either by the charter school or by the school district or by the school district) are presented either during the annual review or at any other time, then the Board shall investigate these allegations. Prior to canceling the charter school contract, the Board and the charter school shall attempt to remedy any violations of the contract. The charter school would be allowed a minimum of 30 days to achieve full compliance.

18. The Academic Policy Committee. Each application for a charter school shall include a description of the procedures used to establish an Academic Policy Committee. The Academic Policy Committee shall consist of parents attending (or planning to attend) the charter school, teachers at the charter school (or teachers who agree to teach at the charter school), and employees of the charter school (or employees who agree to work at the charter school).

The Academic Policy Committee of the charter school shall supervise the academic operation of the charter school and ensure the fulfillment of the mission of the charter school.

The Academic Policy Committee shall select the principal of the charter school. The principal shall select, appoint, or otherwise supervise employees of the charter school. If the person selected as the principal by the Academic Policy Committee does not possess an Alaska Type B Administrative Certificate, then the Board shall designate (with the approval of the Academic Policy Committee) a school district administrator to evaluate the teacher(s) in the charter school. Costs related to such employee evaluations shall be specified and borne by the charter school.

19. Name of principal or designated administrator who will administer the charter school. The application will identify the charter school principal or designated administrator. The principal or designated administrator will be selected by the Academic Policy Committee and approved by the Board. A principal or designated administrator may not be assigned to a charter school unless the principal or designated administrator consents to the assignment. All provisions of the existing negotiated agreement with the principal association apply to the principal in the charter schools, unless the Board and the principal's association agree to an exemption for the charter school. A request for an exemption to the negotiated agreement shall be initiated by the charter school. The charter school shall meet with the principal's association to discuss the exemption and, if agreeable, the charter school shall obtain a letter from the principal's association indicating their intent to allow the exemption. A description of the exemption and the letter from the principal's association shall be included in the application.

The charter school principal or designated administrator shall be evaluated in an equivalent manner as all other principals in the district. Should the Academic Policy Committee desire not to have the superintendent evaluate the principal designated administrator, the contract shall identify the qualified administrator to perform the evaluation and the specific evaluation procedures to be followed. Costs related to such administrative evaluations shall be specified and borne by the charter school. If the proposed principal or designated administrator evaluation procedure is not identical to the district's procedure, then the charter school shall include a detailed description of the administrative evaluation procedure proposed to be used in the charter school. At a minimum, the administrator identified to perform the evaluation shall hold a Type B certificate and be approved by the Board. All other provisions of [AS 14.20.149](#), including provisions for placing a principal or designated administrator on a plan of improvement for failure to meet the district performance standards, shall be followed.

The charter school principal's or designated administrator's evaluation may not be publicly disclosed but may be shared with the Academic Policy Committee without a waiver. The details of this working relationship for the evaluation shall be agreed to in writing between the evaluator and the Academic Policy Committee.

20. Charter school contract with the Board. Each application for a charter school must include a proposed contract with the Board. The charter school shall operate under the provisions of this contract. The contract must include by reference all the provisions listed in the application form and the district's procedures for application. During the work session with the Board, provisions of the application may be revised by mutual consent. The contract will reference the final revised form of the application.

Upon approval of the charter school by the Board, the contract will be signed by the president of the Board and the legally designated representative of the charter school. The signed contract will be forwarded to the State Board of Education and Early Development for approval.

The contract between the charter school and the Board shall reflect all agreements regarding the operation of the charter school. Any revisions of the terms of the contract may be made only with the approval of the Board and the governing body of the charter school. The contract will take effect upon State Board of Education approval of the application.

ADOPTED: June 17, 2008

**Petersburg City School District**

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