

CHARTER SCHOOLS

Charter schools are schools established under AS 14.03.250 that operate within the public school district. Charter schools are established upon the approval by the School Board and the State Board of Education of an application for a charter school. Charter schools shall operate under a written contract between the charter school and the School Board.

Establishment of Charter Schools

The School Board shall give appropriate consideration to any charter school petition, in light of its overall effect on the district's children and the proposed school's ability to function effectively and meet its goals. The School Board desires to support innovations which improve student learning and views charter schools as an opportunity to implement school-level reform. In accordance with law, the proposed charter must include descriptions of the vision, mission and goals of the charter school, the governance structure which will be used, the educational outcomes to be attained by students, and the method by which progress in meeting these outcomes will be measured.

Applications for a charter school to operate during the next school year shall be submitted to the School Board no later than October 31st of the current school year. A charter school shall begin operation as agreed with the School Board, but no later than October 1st of the year approved for opening.

Charter schools shall comply with the following general requirements:

1. The charter school shall establish an Academic Policy Committee that will function according to the terms of law.
2. The charter school Academic Policy Committee shall report directly to the School Board or a subcommittee of the School Board unless mutually agreed otherwise.
3. The charter school shall operate in compliance with state and federal law, and with School District policies unless mutually agreed otherwise.
4. The charter school shall comply with the requirements of the district accounting system.
5. The charter school shall comply with the requirements of the district purchasing system.

CHARTER SCHOOLS (continued)

6. The charter school shall be designed to advance basic skills areas (mathematics, science, language arts, and social studies) appropriate to the age of students included in the program. The charter school disciplinary program shall enforce Alaska statutes, state and federal regulations, and district policies with respect to drugs, alcohol, weapons, tobacco, harassment, and violence.
7. The charter school shall participate in the district's report card process as required by Alaska statute.
8. The charter school shall participate in all tests and assessments required by either the State Department of Education and Early Development or the district unless the contract specifies otherwise.
9. The charter school shall not promote religious ideologies or philosophies.
10. The charter school shall operate in compliance with negotiated agreements established between employee groups and the School Board.
11. A charter school operating as a correspondence program or a residential program shall comply with all requirements of Alaska statute and regulation.

Note: Charter schools operating correspondence programs must comply with the requirements for state approval and operation as set forth in 4 AAC 33.405 – 4 AAC 33.490. Charter schools operating residential programs must comply with the requirements set forth in AS 14.16.100 and 4 AAC 33.090.
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School Board Review of Charter School Application and Appeals

No later than 60 days after submission of a charter school application, the School Board will issue a written decision approving or rejecting the charter school. The written decision will include all relevant findings of fact and conclusions of law.

If the School Board approves an application, it shall forward the application to the State Board of Education for review and approval. If the School Board denies an application for a charter school, the applicant may appeal the denial to the Commissioner of Education and Early Development within 60 days of the School Board's denial. A decision of the Commissioner upholding the denial may be appealed by the charter school applicant within 30 days to the State Board of Education. If the Commissioner approves the application, her/she shall forward it to the State Board of Education for review and approval.

CHARTER SCHOOLS (continued)**Review of the Charter School**

Once approved by both the School Board and the State Board of Education, the charter school will be subject to an annual review of its operations and finances by the School Board. Annually, the charter school will submit a written report and make a presentation to the School Board and the public. This report will include information on the attainment of student performance expectations, meetings of the governing bodies of the charter school, descriptions of charter school activities, and other information of interest to the School Board.

If academic performance targets for student achievement are not reached by the identified timelines specified in the contract, the Academic Policy Committee must submit a Plan for Improvement, outlining activities for remediation, a process for monitoring the progress of the Plan, and a process for reporting progress of the Plan to the School Board.

If there is evidence of a breach of contract, the School Board shall have a right to investigate and meet with the charter school to discuss possible remedies, including termination of the charter school contract.

The Department of Education and Early Development may audit the charter school's program and may take any action necessary to ensure compliance with federal and state law, including the withholding of funding.

Organization and Operation of a Charter School

A charter school operates as a school in the school district except that a charter school:

- is exempt from the school district's textbook, program, curriculum, and scheduling requirements.
- is exempt from AS 14.14.130(c) which states "If the district employs a chief school administrator, the administrator shall select, appoint, and otherwise control all school district employees who serve under the chief school administrator subject to the approval of the school board."
- operates under the charter school's annual program budget as set out in the contract between the School Board and the charter school.
- shall designate a contact person for all communications between the charter school and the district administration.

A charter school must participate in all student assessments required by the Department of Education and Early Development.

CHARTER SCHOOLS (continued)**Operation of a Charter School**

A charter school shall:

- keep financial records of the charter school;
- oversee the operation of the charter school to ensure that the terms of the contract are being met;
- meet regularly with parents and with teachers of the charter school to review, evaluate, and improve operations of the charter school; and
- meet with the Academic Policy Committee at least once each year to monitor progress in achieving the committee's policies and goals.

Amendment of Charter

A charter school may apply to the School Board for an amendment to its charter during the term of its contract. If the School Board approves the amendment, an amended contract must be executed to conform to the amended charter. The School Board must forward an amended charter and amended contract to the Department of Education and Early Development. A charter school may make minor changes to its program without review by the Department, if they are approved by the district. A change of program that involves the addition of an elementary or secondary program must be approved by the School Board and the State Board of Education and Early Development.

Definitions

“Employees” of charter schools are considered employees of the district with all rights guaranteed by their respective collective bargaining agreements unless specifically waived by mutual agreement between the appropriate bargaining unit and School Board.

“Principal” means a person selected by the Academic Policy Committee to select, appoint, or otherwise supervise employees of the charter school. This person is not required to possess an Alaska Type B Administrative Certificate, but if a type B is not possessed, the individual may not conduct certificated employee evaluations. The school district assumes no responsibility for employing this person after the termination of the charter school contract unless the person is also employed as a teacher.

“Annual program budget” means the funding generated by students enrolled in the charter school as set forth in AS 14.03.260.

(cf. 3540 - Transportation)

Legal Reference (see next page):

CHARTER SCHOOLS (continued)

Legal Reference:

Alaska Statutes

14.03.250-14.03.280 Charter Schools

AS 14.16.100 Application for residential school

Alaska Administrative Code

4 AAC 33.110-119 Charter Schools

4 AAC 33.405 - .490 Correspondence Study Programs

4 AAC 33.090 District-operated statewide and district-wide residential schools

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 or designee of their intention at their earliest convenience. The Superintendent or designee 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 School 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 School 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 School Board no later than October 31st of the school year prior to the school year in which the charter school begins operation. Applications received after the October 31st deadline shall not be considered for opening for the next school year.

School Board Work Session

Following the timely receipt of the complete application form and all supporting documents, the School 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 to the School Board. The School Board and the charter school representatives may negotiate revisions to the charter school application during this meeting. The charter school applicants will be responsible for incorporating any amendments to the application and for providing an amended application to the Superintendent or designee.

School Board Action

Following the work session and receipt of the final amended charter school application, the School Board shall place the charter school proposal on the agenda for a regular School Board meeting. The Superintendent or designee shall prepare a written recommendation to the School Board, with proposed findings of fact and conclusions of law, that support approving or denying the charter school application. School Board action on the application should occur within 50 days of receipt of the final charter school application. The School Board will take action to approve or deny the request to establish the charter school.

No later than 10 business days following the School Board's action, the Board, through its designee, will issue a written confirmation of its decision. The written decision will include all relevant findings of fact and conclusions of law. The Board may adopt the Superintendent's proposed findings of fact and conclusions of law, in whole or in part.

APPLICATION PROCEDURE FOR ESTABLISHING A CHARTER SCHOOL (continued)

Charter School Application Review and Appeal Process

If the School Board approves a charter school application, within 30 days of issuing its written decision, it shall forward the application to the State Board of Education and Early Development (EED) for review and approval. In addition to the complete application and supporting documents, the School Board shall forward its written decision; all other materials considered in support or opposition to the application; and the minutes of the School Board meeting at which the charter school was approved.

Note: An approved application may not be submitted more than 12 months before the planned start-up date for the new school or expiration of the existing contract, if a renewal application. An approved application must be received by the Department at least 90 days before the next regularly scheduled meeting of the State Board. 4 AAC 33.110.

If the School Board denies the application, the applicant may appeal the denial to the Commissioner of EED within 60 days of the School Board issuing its written decision. The charter school applicant is responsible for meeting all requirements for an appeal as established by EED. If the Commissioner approves the application, it shall be forwarded to the State Board of EED for review. The State Board of EED shall exercise independent judgment in evaluating the application.

If the Commissioner upholds the denial, the applicant may appeal within 30 days to the State Board of EED. The charter school applicant is responsible for meeting all requirements for this appeal as established by EED. The State Board shall determine, based on the record, whether the Commissioner's findings are supported by substantial evidence and whether the decision is contrary to law. The State Board shall issue a written decision within 90 days of the appeal.

During the appeal process, the Superintendent and School Board will cooperate in any requests for additional information from the Commissioner or the State Board of EED.

If, after the School Board has denied a charter school application, both the Commissioner and State Board approve the charter school to operate, the district will operate the charter school.

Application Form

Note: The application must conform to the content areas and formatting standards set out at the Department's website at http://education.alaska.gov/Alaskan_Schools/Charter. The following application items reflect the requirements of 4 AAC 33.110.

An application must include the following and should attach documents and information needed to evaluate the proposed charter school:

- (1) A list of the members of the academic policy committee and their qualifications;
- (2) The name, address, and telephone number of a designated person authorized to act on behalf of the charter school;

APPLICATION PROCEDURE FOR ESTABLISHING A CHARTER SCHOOL (continued)

- (3) The length of the term of the charter school contract;

Note: No charter school may exceed a ten (10) year contract. A charter school may reapply after the term of the contract has expired. AS 14.03.255(c)(11).

- (4) The charter school's bylaws;
- (5) A description of the education program to be offered at the charter school and mechanisms for student assessment to be utilized in addition to those required by state law;

Note: A charter school is exempt from the district's textbook, program, and curriculum requirements. AS 15.03.255(a).

- (6) A written instructional program that addresses state content standards under 4 AAC 04 and that aligns with the content on the statewide student assessment system under 4 AAC 06.710 – 4 AAC 06.790;
- (7) Written objectives for program achievement;
- (8) A description of and schedule for staff development activities;
- (9) A school schedule and calendar;

Note: A charter school is exempt from a school district's scheduling requirements. AS 14.03.255(a).

- (10) Plans for serving special education, vocational education, gifted, and bilingual students;
- (11) Written admissions policies and procedures;

Note: Charter schools may be designed to serve: students within a particular age group or grade level; students who will benefit from a particular teaching method or curriculum; or nonresident students, including providing a boarding program, if approved. AS 14.03.265

- (12) If the charter school is the only school in the community, an alternative option for students not wishing to attend the charter school;
- (13) A written administrative policy manual;

Note: A charter school is subject to School Board policies and administrative regulations unless waivers are granted by mutual agreement between the charter school and the School Board. Any exemptions must be specified in the contract. 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. AS 14.03.255

**APPLICATION PROCEDURE FOR ESTABLISHING A CHARTER SCHOOL
(continued)**

- (14) A written budget summary and financial plan, including
- (A) a statement of the charter school's funding allocation from the local school board and costs assignable to the charter school program budget; and
 - (B) the method by which the charter school will account for receipts and expenditures;

Note: A district shall provide a charter school with an annual program budget. AS 14.03.260. The budget shall not be less than the amount generated by the students enrolled in the charter school, less administrative costs, determined by applying the indirect cost rate approved by the Department up to 4%. The per pupil allocation includes funds generated by grants, appropriations, federal impact aid, the required local contribution, the local contribution under AS 14.17.410(c), special needs under AS 14.17.420(a)(1), and secondary school vocational and technical instruction under AS 14.17.420(a)(3). The school district shall direct state aid under AS 14.11 for the construction or major maintenance of a charter school facility to the charter school that generated the state aid, subject to the same terms and conditions that apply to other schools

Note: Charter schools established on or after July 1, 2014 may apply, not later than September 2015, for a one-time grant from the Department of Education and Early Development equal to the amount of \$500 for each student enrolled on October 1st of the first year in which the school applies for the grant. Applications must be on a form prescribed by the Department and conform to 4 AAC 33.117. The grant is subject to appropriations and, if received, is to be used for educational services, including curriculum development, program development and special education services. AS 14.03.264.

- (15) A written plan for the charter school's facility, including
- (A) acknowledgment that any facility 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; and
 - (B) whether the charter school is requesting to use or lease available space within an existing district facility;

Note: If a school district has existing space available that it desires to lease, it must first offer to a charter school a right of first refusal for lease of the space. If the school district requires lease payments by a charter school, the district shall negotiate a lease agreement with the charter school for an amount that does not exceed the true operational costs calculated on a square foot basis for the space leased. AS 14.03.255(d).

- (16) A written plan that addresses the teacher-to-student ratio, including projected enrollment figures;

Note: A teacher may not be assigned to a charter school unless the teacher consents to the assignment. AS 14.03.270(a).

- (17) A written student recruitment process, including a lottery or random drawing mechanism for enrollment if applicants exceed the school's capacity;

**APPLICATION PROCEDURE FOR ESTABLISHING A CHARTER SCHOOL
(continued)**

- (18) A requested or existing exemption for the charter school from a written collective bargaining contract;
- (19) A plan for pupil transportation and the district charter school transportation policy, if proposed or adopted;

(cf. 3540 – Transportation)

(cf. 3541 – Transportation Routes and Services)

- (20) A written termination clause to appear in the contract between the charter school and the School Board, providing that the contract may be terminated by the School Board for failure of the charter school to meet educational achievement goals or fiscal management standards, or for other good cause.
- (21) Proof of compliance with applicable law;
- (22) The charter school contract with the School Board; and
- (23) Other documents or information the district needs to evaluate the proposed charter school.