



Book	Administrative Regulations
Section	6000 INSTRUCTION
Title	Charter School Guidelines 6-27-2022
Code	AR 6187
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Cross References	BP 6187 - Charter Schools Policy E 6187a - Intent To Develop Charter School Application E 6187b - Charter School Application/Contract Provisions
Adopted	February 6, 2007

### ~~Charter School Guidelines~~

#### Establishment of Charter Schools

**Charter schools are schools established under AS 14.03.250 – 14.03.290 that operate within the public-school district. Charter schools are established upon the approval of an application by the local School Board and the state Board of Education. Charter schools shall operate under a written contract between the charter school and the local School Board**

The Board desires to support innovations which improve student learning and views charter schools as an opportunity for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating children. The District administration shall work cooperatively with parents/guardians, students, teachers and principals in their efforts to design new schools and alternative approaches to the existing state laws and regulations that govern public schools.

The following guidelines will be used to assist in the establishment of charter schools in the Kenai Peninsula Borough School District.

#### Organization and Operation of a Charter School

A charter school is a public school in the Kenai Peninsula Borough School District except that the charter school:

1. is exempt from the Kenai Peninsula Borough School District 's textbook, program, curriculum, and scheduling requirements.
2. is exempt from AS 14.14.130, Chief School Administrator. The principal is selected by the Academic Policy Committee and selects, appoints, or otherwise supervises employees of the charter school.
3. operates under an annual program budget as set out in the contract between the KPBSD Board of Education and the charter school. ~~The charter school may be exempt from other KPBSD requirements if the exemption is set out in the contract. A charter school is subject to secondary school competency testing and other competency tests required by the Alaska Department of Education and Early Development.~~

**The charter school may be exempt from other KPBSD requirements if the exemption is set out in the contract.**

A charter school administrator, with oversight by the Academic Policy Committee, shall:

1. keep financial records of the charter school.
2. oversee the operation of the charter school to ensure that the terms of the contract are being met.
3. meet regularly with parents and with teachers of the charter school to review, evaluate, and improve operations of the charter school.

4. meet with the academic policy committee at least six times each year to monitor progress in achieving the committee's policies and goals.

The charter school application serves as a contract proposal to the Board and must address all the items specified in the KPBSD "Application/Contract Provisions" to satisfy stipulations in Alaska Statutes, Alaska Administrative Codes and KPBSD Board Policy.

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, if the chief school administrator determines the facility meets requirements for health and safety applicable to public buildings or other public schools in the District. See BP 6187 and AR 6187 section "Charter Schools Sharing Facilities."

### **Application Procedure for Establishing a Charter School**

#### **The following steps shall be followed in making an application for the establishment of a charter school in the Kenai Peninsula Borough School District.**

##### **Establish an Academic Policy Committee Membership –**

##### **The Academic Policy Committee shall consist of**

- 1. Parents of students attending (or upon initial application plan to attend) the charter school!**
- 2. Teachers at the charter school (or teachers who upon initial application agree to teach at the charter school)**
- 3. Employees of the charter school (or employees who agree to work at the charter school) other than teacher**
- 4. KPBSD School Board Member**
  - a) Responsibility of the School Board Member**
    - **Serve as the intermediary with the Site Based Administrator and the APC if there is a discrepancy or violation of Charter Bylaws**
    - **Attend Site Based Council Meetings**
    - **Gather and provide information to the Board of Education**
    - **Set meeting dates**
    - **Assist new Charter Schools with the application process**

##### **Include on a separate page the name of the members and specify the position the person will represent.**

**1. Notification of Intent: E 6187 (a) Any person(s) wishing to establish a charter school shall notify the Superintendent of their intention by August 1 of the year prior to the date of intended implementation. 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 between the charter school and the local School Board, and to answer any questions the charter school representatives may have.**

**Following the initial meeting with the administrative committee, the charter school & Academic Policy Committee representatives shall prepare the information required for the application.**

**Applications for charter schools must be submitted to the local School Board no later than October 1 of the school year prior to the school year during which the charter school will begin operation. Applications received after the October 1 deadline will not be considered until the next school year. All charter schools must begin operations as agreed with the School Board, but no later than October 1.**

**The terms of an initial draft contract must not exceed five years. The terms of a renewal contract may be for a period of up to ten years.**

**3. Charter School Application: The charter school shall provide information to the Board as stipulated in E 6187 (b) Charter School Application/Contract Provisions. The Alaska Department of Education and Early Development Charter School Application and Rating Template will be used in the District's charter school application process.**

**\*\*Applicants are cautioned that the Alaska Department of Education and Early Development has its own policies and deadlines, and that to the extent the applicant's proposed charter school may be affected by those**

deadlines, the applicant should take those deadlines into account.\*\*

4. School Board Work Session: Following the timely receipt of the complete application, the Board must hold a public work session with the charter school representatives. During this work session, the charter school representatives will present their application as a proposal for a charter school contract.

The local School Board and the charter school representatives may negotiate provisions of the contract during this meeting.

When the charter school is proposing to use a District facility which is already in use as a public school, the application and charter school contract will adhere to the "Sharing a District Facility" section of this policy.

\*\*It is not the Board's responsibility to locate a facility to operate a charter school\*\*

5. Public Hearing on the Charter School Application: Following the work session, the School Board will hold a public hearing on the proposed charter school application.

6. School Board Action: Following the work session and the public hearing, the local School Board will place the charter school proposal on the agenda for a regular School Board meeting. The School Board will take action to approve or deny the request to establish the charter school.

Upon approval of the charter school by the local School Board and the state Board of Education, the contract will be signed by the president of the local School Board and the legally designated representative of the charter school. The Superintendent or designee will serve as a contact person for all communications between the charter school and the District administration.

#### State Notification of a Charter School Application

Upon approval or rejection of a charter school application, the local School Board will submit to the State Board of Education a copy of the charter school application and a report on the action taken by the local School Board not later than 20 working days following the School Board action.

#### Annual Review of the Charter School

Once approved by both the local and State Boards 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. Every three years the charter school will 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 local School Board.

#### Breach of Contract

Failure to comply with the provisions of the contract between the charter school and the local School Board is considered a breach of contract and may result in the termination of the charter school. Examples of breach of contract include but are not limited to: failure to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the contract, failure to meet generally accepted standards of fiscal management violating any provision of law from which the charter school was not specifically exempted.

During the charter school's annual review with the School 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) are presented either during the annual review or at any other time, the School Board shall investigate these allegations. Prior to canceling the charter school contract, the School Board and the charter school will attempt to remedy any violations of the contract.

A review of the contract is to be made at the completion of the third year. A portion of that review will be based on a comparison of the Alaska Standards Based Assessment test scores of the school's students to those of the District average of a similar population of the District. If the school does not meet or exceed the District average the school

**shall will be placed on a two-year probation. Failure to meet the conditions of the probation will be grounds for denial of a future charter.**

### **Funding for Charter Schools**

The charter school budget **shall will** be calculated by determining the amount of state funds generated by students enrolled in the charter school less administrative costs. Administrative costs **shall will** be determined by applying the indirect cost rate approved by the Department of Education and Early Development.

The program budget of a charter school is to be used for operating expenses of the educational program of the charter school including purchasing textbooks, classroom materials, and instructional aids.

The charter school **shall will** provide the financial and accounting information requested by the Board and Department of Education and Early Development and shall cooperate with the District in complying with the restrictions governing receipt and expenditure of District money.

The expense of housing nonresident students who attend the charter school, including room, board, and other reasonable housing expenses, may not be paid for with state money but may be paid for with funds contributed by sources other than the state.

### **Admission**

The program of a charter school may be designed to serve students within an age group or grade level; students who will benefit from a particular teaching method or curriculum; or nonresident students, including providing domiciliary services for students who need those services, if approved by the Board.

A charter school **shall will** enroll all eligible students who submit a timely application, unless the number of those applications exceeds the capacity of the program, class, grade level, or building. In the event of an excess of those applications, the charter school and the local School Board **shall will** attempt to accommodate all of those applicants by considering providing additional classroom space and assigning additional teachers from the District to the charter school. If it is not possible to accommodate all eligible students who submit a timely application, students shall be accepted by random drawing. A School Board may not require a student to attend a charter school.

In addition to other requirements of law, a charter school shall be nonsectarian.

### **Teacher or Employee Agreements**

A teacher or employee may not be assigned to a charter school unless the teacher or employee consents to the assignment.

All provisions of an existing negotiated agreement or collective bargaining agreement applicable to a teacher or employee of a district apply to that teacher or employee if employed at a charter school in that district, unless the district and the bargaining unit representing the teacher or employee agree to an exemption.

A teacher in a charter school **shall will** be evaluated in an equivalent manner as all other teachers in the District, except that if there is no administrator assigned to the charter school, the local School Board, with the agreement of the charter school, **shall will** designate a School District administrator in that district to evaluate a teacher in a charter school.

The School District assumes no responsibility for employing the charter school administrator after the termination of the charter school contract unless the person is also employed as a teacher.

### **Sharing a District Facility**

**Charter schools that are housed in a non-school District facility will be recognized under Alaska Statutes 14.03.250-14.30.290. Charter schools proposing to use District facilities which are already in use as public schools, may do so only on the approval by the School Board**

### **Charter Schools Sharing Facilities**

1. Guidelines for Determining Adequate Space for a Shared Facility: The KPBSD School Board may allow a charter school to operate within an established District neighborhood school if the projected enrollment of the two schools and other District programs (Special Ed, Title 1, Project Grad, etc.) do not exceed 90% of the rated capacity over the life of the charter school contract.

The charter school application **shall will** include the estimated number of students, the number of requested classrooms and the grades taught for each year of the proposed contract.

In a shared facility, the Charter School may request to change the estimated number of students, the number of classrooms or the grades taught for the school year. The request must be submitted by October 1 of the year preceding the requested change. (District projected enrollment date)

2. Negotiating Shared Facility Agreements: The use of District facilities for the charter school shall be negotiated by the Superintendent and presented during the Board's work session with the charter school applicants. When proposing to use a

District facility which is already in use as a public school, the principal and a site council representative of the school shall also be involved in the negotiating process.

**When the charter school is proposing to utilize space in an existing District school: Based on enrollment projections and school capacity, the Superintendent will determine if the amount of space requested by the charter school can be made available.**

**If the Superintendent determines space is available, the Superintendent will negotiate the terms of sharing a facility and make recommendations to the Board.**

The Principal in the existing District school will serve as the primary administrator for the building. The charter school administrator **shall will** meet with the 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 will** be included in the charter school application and contract with the Board. Failure to abide by the agreed upon rules and policies will be considered a breach of contract.

3. Determining Costs in a Shared Facility: Basic charter school funding will be allocated to charter schools by the School Board. Charter schools operating in an established neighborhood school will be responsible for funding their share of education programs in the building.

During the administrative meeting, held after the Notification of Intent form is filed, the administrative committee **shall will** provide the charter school representatives with an estimation of revenues and operational costs.

Following Board approval of the charter school contract, operational costs will be charged by the District to the charter school on a pro rata basis according to the recommended budget. All other services provided by the District to the charter school will be calculated on a cost only basis.

At the end of each fiscal year, adjustments **shall will** be made to the charter school budgets based on actual revenues and expenditures.

Space, personnel and shared resources **shall will** be equitably prorated and addressed annually in the charter school contract.

4. Shared Facility Resources: Charter schools operating in established neighborhood schools **shall will** be responsible for funding their education programs. The charter school may decide the use of their remaining available resources through their budget process after accounting for shared costs.

If a charter school desires to combine their resources with an established neighborhood educational program and the neighborhood school administrator agrees, costs will be pro-rated according to the number of students.

Legal Reference:

ALASKA STATUTES

14.03.250 Establishment of charter schools

14.03.255 Organization and operation of a charter school

14.03.260 Funding for charter schools

14.03.265 Admission

14.03.270 Teacher or employee transfers, evaluations, and negotiated agreements

14.03.275 Contracts; duration

14.03.280 Regulations

14.03.290 Definitions

14.14.130 Chief school administrator