



Book	Administrative Regulations
Section	6000 INSTRUCTION
Title	Charter School Guidelines 11-07-2022
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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 E 6187c Charter School Annual Review Form
Adopted	February 6, 2007

## ~~Charter School Guidelines~~

### Establishment of Charter Schools

Charter schools that operate within the Kenai Peninsula Borough School District are schools established under Alaska Statutes 14.03.250 – 14.03.290.

Charter schools are established upon the approval of an application by the KPBSD Board of Education (KPBSD BOE) and the Alaska State Board of Education and Early Development (State Board).

Charter schools will operate under a written contract between the charter school and the KPBSD BOE.

The KPBSD BOE 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~~ will 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

1. A charter school is a public school in the Kenai Peninsula Borough School District except that the charter school:
  - a. is exempt from the Kenai Peninsula Borough School District's textbook adoption, programs, curriculum, and scheduling requirements.
  - b. ~~is exempt from AS 14.14.130, Chief School Administrator. The Charter School~~ principal is selected by the Academic Policy Committee. ~~and~~ The principal selects, appoints, or otherwise supervises employees of the charter school. The principal is exempt from AS 14.14.130(c) Chief School Administrator (Superintendent).
  - c. operates under an annual program budget as set out in the contract between the KPBSD BOE 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:~~

2. A charter school administrator (principal), with oversight by the Academic Policy Committee, ~~shall~~ will
  - a. keep financial records of the charter school.
  - b. oversee the operation of the charter school to ensure that the terms of the contract are being met.
  - c. meet regularly with parents and with teachers of the charter school to review, evaluate, and improve operations of the charter school.
  - d. meet with the Academic Policy Committee at least six times each year to monitor progress in achieving the committee's policies and goals.
3. The charter school application serves as a contract proposal to the KPBSD BOE Board and must address all the items specified in the KPBSD "Application/Contract Provisions" [E 6187 b](#) to satisfy stipulations in Alaska Statutes, Alaska Administrative Codes and KPBSD Board Policy.
4. A charter school may be operated in an existing KPBSD School District facility or in a facility within the Kenai Peninsula Borough School District that is not currently being used as a public school, if the chief school administrator/Superintendent 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."
5. Note: The charter school may be exempt from other KPBSD requirements if the exemption is set out in the contract.

### Application Procedure for Establishing a Charter School

The following steps must be completed when applying for the establishment of a charter school in the Kenai Peninsula Borough School District.

1. Establish an Academic Policy Committee (APC) Membership
  - a. The Academic Policy Committee will consist of:
    - i. parents of students attending (or upon initial application plan to attend) the charter school.
    - ii. teachers at the charter school (or teachers who upon initial application agree to teach at the charter school).
    - iii. employees of the charter school (or employees who agree to work at the charter school) other than teachers, and
    - iv. member of the KPBSD BOE.
      1. Responsibilities of the KPBSD BOE member:
        - a. Serve as the intermediary with the Charter School Administrator/Principal and the APC if there is a discrepancy or violation of the Charter School's Bylaws.
        - b. Attend APC Meetings.
        - c. Gather and provide information to the KPBSD BOE.
        - d. Set meeting dates, as needed.
        - e. Assist new Charter School applicant(s) with the application process.
  - b. Include on a separate page the name of the APC members and specify the position each person will represent.
2. Notification of Intent: E 6187 (a)
  - a. Any person(s) wishing to establish a charter school will notify the Superintendent of their intention by August 1 of the year prior to the date of intended implementation.
  - b. The Superintendent will establish an administrative committee to meet with the charter school applicant(s) to:
    - i. review the application procedures,
    - ii. discuss the requirements of the application between the charter school and the KPBSD BOE, and
    - iii. answer any questions the charter school applicant(s) may have.
  - c. Following the initial meeting with the administrative committee, the charter school and Academic Policy Committee applicant(s) will prepare the information required for the application.
  - d. Applications for charter schools must be submitted to the KPBSD BOE President and Superintendent 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 KPBSD BOE, no later than October 1.
  - e. The initial application will be presented at a Charter School Oversight Committee meeting(s) where the Charter School Oversight Committee will
    - i. Make recommendations for clarification purposes
    - ii. Schedule a work session with the KPBSD BOE on the proposed charter school application(s).
    - iii. Place charter school proposals on the regular Work Session of KPBSD BOE agenda.
    - iv. Provide a recommendation for the KPBSD BOE whether to approve or deny a charter school application.

- v. Submit and make recommendations to the KPBSD BOE regarding contracts.
    - f. The terms of an initial 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:
  - a. After the initial meeting(s) with administration and the Charter School Oversight committee
    - i. The charter school applicant(s) will provide information to the KPBSD BOE as stipulated in E 6187 (b) Charter School Application/Contract Provisions.
    - ii. 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.
    - iii. Note: The Alaska Department of Education and Early Development has its own policies and deadlines. The applicant(s) proposed charter school may be affected by those deadlines.
4. KPBSD Board of Education Work Session(s):
  - a. Following the timely receipt of the complete application, the KPBSD BOE must hold a public work session(s) with the charter school applicant(s). During this work session(s), the charter school applicant(s) will present their application as a proposal for a charter school contract.
  - b. The KPBSD BOE and the charter school applicant(s) may negotiate provisions of the contract during this/these meeting(s).
  - c. 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.
  - d. Note: It is not the KPBSD BOE responsibility to locate a facility to operate a charter school.
5. Public Hearing on the Charter School Application:
  - a. Following the completion of the Charter School Oversight meeting(s) and the KPBSD BOE work session(s), the KPBSD BOE will hold a public hearing on the proposed charter school application at a regular KPBSD BOE business meeting.
6. KPBSD Board of Education Action:
  - a. When the KPBSD BOE places the charter school proposal on the agenda for a regular KPBSD BOE meeting, the KPBSD BOE will take action to approve or deny the request to establish the charter school.
  - b. Upon approval or rejection of a charter school application, the KPBSD BOE will submit to the State Board of Education a copy of the charter school application and a report on the action taken by the KPBSD BOE no later than 30 days following the KPBSD BOE action.
7. State Notification of a Charter School Application
  - a. Upon approval of the charter school by the KPBSD BOE and the State Board, the contract will be signed by the president of the KPBSD BOE 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.

### Annual Review of the Charter School

1. Once approved by both the KPBSD BOE and State Board, the charter school will be subject to an annual review of its operations and finances by the KPBSD BOE.
2. Annually, the charter school will submit a written report. Form E 6187 (C)
3. Every three years the charter school will make a presentation to the KPBSD BOE and the public. This report will include information on:
  - a. the attainment of student performance expectations,
  - b. meetings of the governing bodies of the charter school,
  - c. descriptions of charter school activities, and
  - d. other information of interest to the KPBSD BOE.

### Breach of Contract

1. Failure to comply with the provisions of the contract between the charter school and the KPBSD BOE is considered a breach of contract and may result in the termination of the charter school.
  - a. Examples of breach of contract include but are not limited to:
    - i. failure to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the contract,
    - ii. failure to meet generally accepted standards of fiscal management.
    - iii. violating any provision of law from which the charter school was not specifically exempted.
2. During the charter school's annual review with the KPBSD BOE, 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 District) are presented either during the annual review or at any other time, the KPBSD BOE will investigate these allegations. Prior to canceling the charter school contract, the KPBSD BOE and the charter school will attempt to remedy any violations of the contract.
3. The contract will be reviewed 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 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

1. 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.
2. 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.
3. The charter school ~~shall~~ will provide the financial and accounting information requested by the ~~Board KPBSD BOE and Department of Education and Early Development State Board~~ and ~~shall~~ will cooperate with the District in complying with the restrictions governing receipt and expenditure of District money.
4. 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

1. 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~~ KPBSD BOE.
2. 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 ~~School Board KPBSD BOE~~ 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~~ The KPBSD BOE may not require a student to attend a charter school.
3. In addition to other requirements of law, a charter school ~~shall~~ will be nonsectarian.

### Teacher or Employee Agreements

1. A teacher or employee may not be assigned to a charter school unless the teacher or employee consents to the assignment.
2. All provisions of an existing negotiated agreement or collective bargaining agreement applicable to a teacher or employee of ~~a the D~~ the District apply to that teacher or employee if employed at a charter school in ~~that the D~~ the District, unless the ~~D~~ District and the bargaining unit representing the teacher or employee agree to an exemption.

3. 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 ~~School Board~~ KPBSD BOE, 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.
4. 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

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

### Charter Schools Sharing Facilities

#### 1. Guidelines for Determining Adequate Space for a Shared Facility:

- a. The KPBSD ~~School Board~~ BOE may allow a charter school to operate within an established ~~District neighborhood~~ KPBSD 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.
- b. When the charter school is proposing to utilize space in an existing KPBSD school, the Superintendent will determine if the amount of space requested by the charter school can be made available, based on enrollment projections and school capacity,
- c. 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.
- d. 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:

- a. If the Superintendent determines space is available, the Superintendent, the charter school principal and ~~a site council~~ an APC representative of the charter school will negotiate the terms of sharing a facility and make recommendations to the KPBSD BOE. ~~The use of District facilities for the charter school shall be negotiated by the Superintendent and This will be~~ presented during the Board's KPBSD BOE 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.~~
- b. The Principal ~~in of~~ the ~~existing~~ established KPBSD ~~District~~ school will serve as the Primary administrator principal for the building. The charter school ~~administrator~~ principal ~~shall~~ will meet with the Primary 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 KPBSD BOE. Failure to abide by the agreed upon rules and policies will be considered a breach of contract.

#### 3. Determining Costs in a Shared Facility:

- a. Basic charter school funding will be allocated to charter schools by the KPBSD BOE.
- b. Charter schools operating in an established KPBSD school will be responsible for funding their share of education programs in the building.
- c. During the administrative meeting, held after the Notification of Intent form is filed, the administrative committee ~~shall~~ will provide the charter school applicant(s) with an estimation of revenues and operational costs.
- d. Following KPBSD BOE 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.
- e. All other services provided by the District to the charter school will be calculated on a cost only basis.
- f. At the end of each fiscal year, adjustments ~~shall~~ will be made to the charter school budgets based on actual revenues and expenditures.

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

4. **Shared Facility Resources:**

- a. Charter schools operating in established ~~neighborhood~~ KPBSD 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.
- b. If a charter school desires to combine their resources with an established ~~neighborhood~~ KPBSD educational program and the ~~neighborhood-school-administrator~~ Primary principal 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