



Book	Administrative Regulations
Section	6000 INSTRUCTION
Title	Clean Draft Version 2 Charter School Guidelines
Code	AR 6187
Status	Under Review/Revision
Cross References	<a href="#">BP 6187 - Charter Schools Policy</a> <a href="#">E 6187a - Intent To Develop Charter School Application</a> <a href="#">E 6187b - Charter School Application/Contract Provisions</a> <a href="#">E 6187c - Charter School Annual Review Form</a>
Adopted	February 6, 2007
Last Revised	November 7, 2022
Last Reviewed	November 7, 2022
Prior Revised Dates	2/6/2007

### **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 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 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. The principal is selected by the Academic Policy Committee. 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 and the charter

school.

2. A charter school administrator (principal), with oversight by the Academic Policy Committee, 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 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 facility or in a facility within the Kenai Peninsula Borough 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 will be followed in making an application 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
- b. Include on a separate page the name of the members and specify the position the person will represent.

#### **2. Notification of Intent: E 6187 (a)**

- a. Any Person(s) wishing to establish a charter school are required to notify the Superintendent of their intention by August 1 of the year prior to the date of intended implementation by submitting **Exhibit 6187 (a)**.
- 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.

#### **3. Initial Application:**

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 School Board, but no later than October 1.

### **Initial Application Process**

### **1. Charter School Oversight Committee Review**

The initial application will be presented at a Charter School Oversight Committee meeting(s) where the Charter School Oversight Committee will:

- a. Make recommendations for clarification purposes and provide feedback to the applicants
- b. Use the Alaska Department of Education and Early Development Charter School Application and Rating template to evaluate the charter school application
- c. Move the application to a work session of the KPBSD BOE to provide recommendations, feedback and evaluation from committee meetings to the full BOE

### **2. Board of Education Work Session**

- a. Present the initial application and Charter School Oversight Committee recommendations to the BOE in a work session
- b. The BOE will further evaluate the initial charter school application
- c. The BOE will place the initial application on a meeting agenda where the BOE will take action to approve or deny the application

### **3. Charter School Application:**

- a. The charter school applicant(s) will provide information to the KPBSD BOE as stipulated in E 6187 (b) Charter School Application/Contract Provisions
- b. The terms of an initial draft contract must not exceed five years. The terms of renewal contract may be for a period of up to ten years.
- c. 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.
- d. Per BP 6187 "the Board will approve or deny both initial and renewal applications through a voting process."
- e. 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.
- f. 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.

### **Charter School Renewal Process:**

Purpose: Steps and deadlines for charter schools seeking renewal of their charter within the Kenai Peninsula Borough School District (KPBSD).

#### **1. Intent to Renew: E 6187 (d)**

Any KPBSD Charter Schools wishing to renew their charter are required to notify the Superintendent or designee of their intention by August 1, of the renewal year by submitting Exhibit 6187 (d).

#### **2. Renewal Application**

Renewal applicants must submit a completed Renewal Application to the Superintendent or designee by October 1 of the renewal year.

### **3. Eligibility Requirements:**

The charter school must be in good standing with the district. Good standing includes:

- a. Compliance with state and district policies, including financial and operational requirements
- b. Meeting or exceeding academic performance expectations outlined in the charter
- c. Submission of required reports, including the previous 3 years of the Charter School Annual Review Forms: E6187 (c), demonstrating the school's compliance and performance

### **4. Completion of DEED Renewal Application**

The applicants will complete the Department of Education and Early Development (DEED) Charter School Renewal Application as the DEED Charter School Renewal Application and Rating Template will be used in the District's charter school renewal application process.

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.

## **Review and Approval Process:**

### **1. Charter School Oversight Committee Review**

The renewal application will be presented at a Charter School Oversight Committee meeting(s) where the Charter School Oversight Committee will:

- a. Be presented the completed renewal application to review and provide feedback
- b. Evaluate the application based on academic performance, financial accountability, operational compliance, and community impact
- c. Use the Alaska DEED Charter School Application and Rating Template to evaluate the charter school application
- d. Move the application to a work session of the KPBSD BOE to provide recommendations, feedback and evaluation from committee meetings to the full BOE

### **2. Board of Education Work Session**

- a. Present the renewal application and Charter School Oversight Committee recommendations to the BOE in a **work session** for discussion and further evaluation
- b. The BOE will review the renewal application for alignment with district goals and state requirements
- c. The BOE will place the renewal application on a meeting agenda where the BOE will take action to approve or deny the renewal application

### **3. Final Approval**

- a. Per BP 6187 "the Board will approve or deny both initial and renewal applications through a voting process
- 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 report on the action taken by the KPBSD BOE no later than 30 days following the KPBSD BOE action.

## **Breach of Contract**

1. 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.
  - 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 will be calculated by determining the amount of state funds generated by students enrolled in the charter school less administrative costs. Administrative costs 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 will provide the financial and accounting information requested by the KPBSD BOE and State Board and 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 KPBSD BOE.
2. A charter school 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 KPBSD BOE 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 will be accepted by random drawing. The KPBSD BOE may not require a student to attend a charter school.
3. In addition to other requirements of law, a charter school 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 the District apply to that teacher or employee if employed at a charter school in the District, unless the district and the bargaining unit representing the teacher or employee agree to an exemption.
3. A teacher in a charter school 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 KPBSD BOE, with the agreement of the charter school, will designate a District administrator in the District to evaluate a teacher in a charter school.
4. The 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 on the approval by the School Board

### **Charter Schools Sharing Facilities**

1. **Guidelines for Determining Adequate Space for a Shared Facility:**
  - a. The KPBSD BOE may allow a charter school to operate within an established 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 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 an APC representative of the charter school will negotiate the terms of sharing a facility and make recommendations to the KPBSD BOE. This will be presented during the KPBSD BOE work session with the charter school applicants.
- b. The Principal of the established KPBSD school will serve as the Primary principal for the building. The charter school principal will meet with the Primary principal and come to a mutual agreement regarding the charter school's observance of school rules and policies. These mutually agreed upon rules and policies will be included in the charter school application and contract with the 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 School Board.
- b. Charter schools operating in an established neighborhood 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 will provide the charter school representatives with an estimation of revenues and operational costs.
- d. 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.
- 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 will be made to the charter school budgets based on actual revenues and expenditures.
- g. Space, personnel and shared resources will be equitably prorated and addressed annually in the charter school contract.

## **4. Shared Facility Resources:**

- a. Charter schools operating in established KPBSD schools 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 KPBSD educational program and the 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*