Article 2. CHARTER SCHOOLS

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Administrative Code. - For regulation relating to charter schools, see 4 AAC 3.110.

Sec. 14.03.250. Establishment of charter schools.

(a) A charter school may be established as provided under AS 14.03.250 - 14.03.290 upon the approval of the local school board and the state Board of Education and Early Development of an application for a charter school. The state Board of Education and Early Development may not approve more than 60 charter schools to operate in the state at any one time.

(b) A local school board shall prescribe an application procedure for the establishment of a charter school in that school district. The application procedure must include provisions for an academic policy committee consisting of parents of students attending the school, teachers, and school employees and a proposed form for a contract between a charter school and the local school board, setting out the contract elements required under AS 14.03.255(c).

(c) A local school board shall forward to the state Board of Education and Early Development applications for a charter school that have been approved or denied by the local board.

((1 ch 77 SLA 1995; am 1 ch 70 SLA 2001))

Revisor's notes. Enacted as 1, ch. 77, SLA 1995 and codified in 1995, at which time "AS 14.03.250 - 14.03.290" was substituted for "this Act" in subsection (a), and "AS 14.03.255(c)" was substituted for "sec 2(c) of this Act" in subsection (c).

In 2000, "state Board of Education and Early Development" was substituted for "state Board of Education" in accordance with sec. 104, ch. 21, SLA 2000.

Administrative Code. - For special schools, see 4 AAC 33, art. 1.

Sec. 14.03.255. Organization and operation of a charter school.

(a) A charter school operates as a school in the local school district except that the charter school (1) is exempt from the local school district's textbook, program, curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c); the principal of the charter school shall be selected by the academic policy committee and shall select, appoint, or otherwise supervise employees of the charter school; and (3) operates under the charter school's annual program budget as set out in the contract between the local school board and the charter school under (c) of this section. A local school board may exempt a charter school from other local school district requirements if the exemption is set out in the contract. A charter school is subject to secondary school competency testing as provided in AS 14.03.075 and other competency tests required by the department.

(b) A charter school 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 required by (c) of this section 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; and

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

(c) A charter school shall operate under a contract between the charter school and the local school board. A contract must contain the following provisions:

(1) a description of the educational program;

(2) specific levels of achievement for the education program;

(3) admission policies and procedures;

(4) administrative policies;

(5) a statement of the charter school's funding allocation from the local school board and costs assignable to the charter school program budget;

(6) the method by which the charter school will account for receipts and expenditures;

(7) the location and description of the facility;

(8) the name of the teacher, or teachers, who, by agreement between the charter school and the teacher, will teach in the charter school;

(9) the teacher-to-student ratio;

(10) the number of students served;

(11) the term of the contract, not to exceed a term of 10 years;

(12) a termination clause providing that the contract may be terminated by the local school board for the failure of the charter school to meet educational achievement goals or fiscal management standards, or for other good cause;

(13) a statement that the charter school will comply with all state and federal requirements for receipt and use of public money;

(14) other requirements or exemptions agreed upon by the charter school and the local school board.

(d) 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.

((2 ch 77 SLA 1995; am 2 - 4 ch 70 SLA 2001))

Revisor's notes. Enacted as 2, ch. 77, SLA 1995. Codified in 1995.

Sec. 14.03.260. Funding for charter school.

(a) A local school board shall provide an approved charter school with an annual program budget. The budget shall be not less than the amount generated by the students enrolled in the charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the Department of Education and Early Development. The "amount generated by students enrolled in the charter school" is to be determined in the same manner as it would be for a student enrolled in another public school in that school district.

(b) 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.

(c) The charter school shall provide the financial and accounting information requested by the local school board or the Department of Education and Early Development and shall cooperate with the local school district or the department in complying with the requirements of AS 14.17.910.

(d) The expenses 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.

((3 ch 77 SLA 1995; am 1 ch 113 SLA 1997; am 11 ch 83 SLA 1998))

Revisor's notes. Enacted as 3, ch. 77, SLA 1995. Codified in 1995.

In 1999, "Department of Education" was changed to "Department of Education and Early Development" in (a) and (c) of this section in accordance with 89, ch. 58, SLA 1999.

Cross references. For provisions relating to funding of charter schools having small student population counts, with average student memberships of not more than 150 students, see AS 14.17.450(c), (d), and (f).

Sec. 14.03.263. Charter school grant program. [Repealed, 1 ch 100 SLA 2003.].

Sec. 14.03.265. Admission.

(a) The program of a charter school may be designed to serve

(1) students within an age group or grade level;

(2) students who will benefit from a particular teaching method or curriculum; or

(3) nonresident students, including providing domiciliary services for students who need those services, if approved by the board.

(b) A charter school shall 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 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.

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

((4 ch 77 SLA 1995; am 2 ch 113 SLA 1997))

Revisor's notes. Enacted as 4, ch. 77, SLA 1995. Codified in 1995.

Editor's notes. Under 9, ch. 77, SLA 1995, this section would have been repealed July 1, 2005; however, 9, ch. 77, SLA 1995, was itself repealed by 8, ch. 70, SLA 2001, effective July 1, 2001, which had the effect of continuing AS 14.03.265 in effect.

Sec. 14.03.270. Teacher or employee transfers, evaluations, and negotiated agreements.

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

(b) 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.

(c) A teacher in a charter school shall 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 designate a school district administrator in that district to evaluate a teacher in a charter school.
((5 ch 77 SLA 1995))

Revisor's notes. Enacted as 5, ch. 77, SLA 1995. Codified in 1995.

Sec. 14.03.275. Contracts; duration.

A contract for a charter school may be for a term of no more than 10 years.
((6 ch 77 SLA 1995; am 6 ch 70 SLA 2001))

Revisor's notes. Enacted as 6, ch. 77, SLA 1995. Codified in 1995.

Sec. 14.03.280. Regulations.

The state Board of Education and Early Development may adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to implement AS 14.03.250 - 14.03.290.
((7 ch 77 SLA 1995))

Revisor's notes. Enacted as 7, ch. 77, SLA 1995. Codified in 1995, at which time "AS 14.03.250 - 14.03.290" was substituted for "this Act."

In 2000, "state Board of Education and Early Development" was substituted for "state Board of Education" in accordance with sec. 104, ch. 21, SLA 2000.

Administrative Code. - For special schools, see 4 AAC 33, art. 1.

Sec. 14.03.290. Definitions.

In AS 14.03.250 - 14.03.290,

(1) "academic policy committee" means the group designated to supervise the academic operation of a charter school and to ensure the fulfillment of the mission of a charter school;

(2) "charter school" means a school established under AS 14.03.250 - 14.03.290 that operates within a public school district;

(3) "local school board" means a borough or city school board or a school board of a regional educational attendance area;

(4) "parent" means a biological, adoptive, or foster parent, or an adult who acts as guardian of a child and makes decisions related to the child's safety, education, and welfare;

(5) "teacher" means a person who serves a school district in a teaching, counseling, or administrative capacity and is required to be certificated in order to hold the position.
((8 ch 77 SLA 1995; am 102 ch 21 SLA 2000))

Revisor's notes. Enacted as 8, ch. 77, SLA 1995. Codified in 1995, at which time "AS 14.03.250 - 14.03.290" was substituted for "this Act" in the introductory language and paragraph (2) to reflect the codification, and "school board of a regional educational attendance area" was substituted for "regional school board" in paragraph (3) to correct a manifest error in ch. 77, SLA 1995.

Paragraph (5) was formerly (6); renumbered in 2008 to reflect the repeal of former paragraph (5).

Administrative Code. - For correspondence study programs, see 4 AAC 33, art. 4.