

14.	RATING			COMMENTS
COLLECTIVE BARGAINING	A	IA	N/A	
(a) Where applicable, does a collective bargaining contract exist that alludes to contract exemptions that are agreed to by both the school district and bargaining unit?				
(b) If no contract exemptions are agreed to, are the employees of the charter school subject to all provisions of the collective bargaining agreements enforced in the school district?				
<i>What Reviewers Will Look For: Evidence that a written collective bargaining contract exists, if applicable, regarding contract exemptions. In the event of no contract exemptions, evidence that the employees of the charter school are subject to all provisions of the school district's collective bargaining agreements.</i>				
<i>Suggested Sources of Evidence: Written collective bargaining unit contract, and board approval of exemptions from the collective bargaining agreement.</i>				

15.	RATING			COMMENTS
CONTRACT TERMINATION	A	IA	N/A	
(a) Is there a charter school contract termination clause currently in effect?				
<i>What Reviewers Will Look For: Evidence that a written charter school contract termination clause is present.</i>				
<i>Suggested Sources of Evidence: Check for written charter school termination clause.</i>				

ALASKA STATUTES

Article 2. Charter Schools

250. Establishment of charter schools

255. Organization and operation of a charter school

260. Funding for charter school

265. Admission

270. Teacher or employee transfers, evaluations, and negotiated agreements.

275. Contracts; duration

280. Regulations

290. Definitions

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.

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.

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.

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 [Repealed, Sec. 1 ch 100 SLA 2003].

Repealed or Renumbered

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.

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.

Sec. 14.03.275. Contracts; duration.

A contract for a charter school may be for a term of no more than 10 years.

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.

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) *[Repealed, Sec. 102 ch 21 SLA 2000].*

(6) "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.

ALASKA ADMINISTRATIVE CODE

TITLE 4

EDUCATION & EARLY DEVELOPMENT

JULY 2002 SUPPLEMENT

INCLUDING REGISTERS 153 THROUGH 162

4 AAC 33.110. Charter schools

(a) A local school board shall prescribe the application procedure described in [AS 14.03.250](#) (b). 4 AAC 33.110. Charter schools

(a) A local school board shall prescribe the application procedure described in [AS 14.03.250](#) (b). The procedure must be in writing and must be available upon request at the local school board's central office. The local school board shall include each document necessary to conduct a thorough review of the charter school, including

- (1) a copy of the charter;
- (2) a list of the members of the academic policy committee and their qualifications;
- (3) the length of term of the charter;
- (4) the charter school's bylaws;
- (5) education programs to be offered at the charter school, including promotion and graduation requirements;
- (6) a written instructional program that addresses academic standards, including the statewide student assessment system under 4 AAC [06.710](#) - 4 AAC [06.790](#);
- (7) written objectives for program achievement, including assessment, staff development activities, and a school schedule and calendar;
- (8) plans for serving special education, vocational education, gifted, and bilingual students;
- (9) written admissions procedures;
- (10) if the charter school is the only school in the community, an alternative option for students not wishing to attend the charter school;
- (11) a written administrative policy manual;
- (12) a written budget summary and financial plan;
- (13) a written plan for the charter school's facility;

- (14) a written plan that addresses the teacher-to-student ratio, including projected enrollment figures;
- (15) a written student recruitment process, including a lottery or random drawing mechanism for enrollment if applicants exceed the school's capacity;
- (16) any written collective bargaining contract with teachers or employees;
- (17) the written termination clause that must appear in the contract between the charter school and the local school board; and
- (18) proof of compliance with applicable law.

(b) Repealed 3/31/2002.

(c) Repealed 3/31/2002.

(d) Repealed 3/31/2002.

(e) Repealed 3/31/2002.

(f) Repealed 3/31/2002.

(g) No later than 20 working days after a local school board's decision to approve or deny an application for a charter school, the local school board shall mail to the commissioner the application and the decision, including the supporting documents required by (a) of this section, and the minutes of the local school board meeting at which the charter school was approved or denied. The State Board of Education and Early Development will not approve an application that contains insufficient information to determine compliance with applicable law.

(h) The State Board of Education and Early Development will review applications for charter schools in the order that they are received under (g) of this section.

(i) The State Board of Education and Early Development will approve an application for a charter school if the

- (1) local school board has approved the application; and

- (2) application and other information available to the State Board of Education and Early Development demonstrate, to the satisfaction of the State Board of Education and Early Development, that the local school board and the charter school have complied with, and will continue to comply with, state and federal law, including [AS 14.03.250](#) - 14.03.290 and this section.

(j) Repealed 3/31/2002.

(k) A decision of the State Board of Education and Early Development under (i) of this section is a final agency action for purposes of an appeal to the superior court.

(l) The department may audit the charter school's program during the charter period, and may take any action necessary to ensure compliance with federal and state law, including the withholding of money under [AS 14.07.070](#) .

(m) Complaints involving the operation of a charter school shall be initially referred to the local school board for investigation. The local school board shall provide any relevant document concerning the complaint to the commissioner upon request.

(n) Repealed 8/6/2004.

(o) In this section,

(1) "charter school" has the meaning given that term in [AS 14.03.290](#) ;

(2) "commissioner" means the commissioner of education and early development;

(3) "department" means the Department of Education and Early Development;

(4) "local school board" has the meaning given that term in [AS 14.03.290](#) .

History: Eff. 4/27/96, Register 138; am 3/31/2002, Register 161; am 7/26/2002, Register 163; am 8/6/2004, Register 171

Authority: [AS 14.03.250](#)

[AS 14.03.280](#)

[AS 14.07.020](#)

[AS 14.07.060](#)

Editor's note: The address for mailing the application and decision described in 4 AAC [33.110\(g\)](#) is Commissioner, Department of Education and Early Development, 801 West Tenth Street, Suite 200, P.O Box 110500, Juneau, Alaska 99811-0500.

As of Register 151 (October 1999), the regulations attorney made technical revisions under [AS 44.62.125](#) (b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.