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CS FOR HOUSE BILL NO. 93(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE EDUCATION COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES GATTIS, Keller, Tammie Wilson, Reinbold, Higgins

A BILL

FOR AN ACT ENTITLED

"An Act relating to the authorization, monitoring, and operation of charter schools."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 14.03.250 is amended to read:

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 if an application for a charter school is approved by

(1) an authorizer under AS 14.03.253 or [UPON THE APPROVAL OF] the local school board; and

(2) the state Board of Education and Early Development [OF AN APPLICATION FOR A CHARTER SCHOOL].

(b) The department [A LOCAL SCHOOL BOARD] shall prescribe an application procedure for the establishment of a charter school in the state [IN THAT SCHOOL DISTRICT]. The application procedure must include provisions for

(1) an authorizer or local school board;

(2) an academic policy committee consisting of parents of students

1 attending the school, one teacher [TEACHERS], and school employees; and

2 (3) a proposed form for a contract between a charter school and an
3 authorizer or [THE] local school board, setting out the contract elements required
4 under AS 14.03.255(c).

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

8 * **Sec. 2.** AS 14.03.250 is amended by adding a new subsection to read:

9 (d) If an application for a charter school is denied by an authorizer or a local
10 school board under this section, the applicant may appeal the decision to the state
11 Board of Education and Early Development not less than 60 days after the applicant is
12 notified of the denial.

13 * **Sec. 3.** AS 14.03 is amended by adding a new section to read:

14 **Sec. 14.03.253. Authorizer of charter schools; qualifications; duties.** (a)

15 The department shall establish a procedure for the approval of authorizers of charter
16 schools. To be approved as an authorizer of charter schools, an applicant shall
17 demonstrate to the satisfaction of the department that the authorizer is able to provide
18 adequate oversight and support to a charter school and is

19 (1) a governmental entity;

20 (2) a private nonprofit entity that has expertise in education, finance, or
21 administration, or any combination of those areas; or

22 (3) an accredited postsecondary institution in the state.

23 (b) Once approved, an authorizer may be removed or replaced, at the
24 discretion of the department and on adequate notice and an opportunity for hearing,
25 for failure to comply with state laws related to approval and monitoring of charter
26 schools or for any other good cause.

27 (c) An authorizer approved under this section shall

28 (1) enter into a contract with the department that describes specified
29 duties, payment terms, and other provisions, consistent with AS 36.30 (State
30 Procurement Code);

31 (2) timely review for approval, renewal, or denial applications

submitted to the authorizer by charter schools;

(3) prepare and enter into contracts with charter schools as provided under AS 14.03.255(c);

(4) monitor the operation of charter schools for compliance with applicable state and federal laws;

(5) prepare and transmit records required by the department pertaining to charter schools reviewed or approved by the authorizer;

(6) cooperate with local school districts, the department, and public agencies as necessary to ensure compliance with state and federal laws;

(7) maintain confidentiality over all education records of a charter school as required by state and federal law.

(d) The department shall post on the department's Internet website a list of qualified authorizers approved under this section.

* **Sec. 4.** AS 14.03.255(a) is amended to read:

(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 authorizer or 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.

* **Sec. 5.** AS 14.03.255(c) is amended to read:

(c) A charter school shall operate under a contract between the charter school and an authorizer approved under AS 14.03.253 or 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 program budget and funding allocation from the department [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 authorizer or local school board or by the charter school 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 authorizer or local school board.

* **Sec. 6.** AS 14.03.260(a) is repealed and reenacted to read:

(a) The department, in cooperation with an authorizer or 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. Administrative costs shall be determined by applying to the amount generated by students enrolled in the charter school the indirect cost rate approved by the Department of Education and Early Development. The administrative costs shall be distributed equally to the department and local school district or, if there is an authorizer, to the department and the authorizer. The "amount generated by students enrolled in the charter school" is to be determined in the same manner as it

1 would be for a student enrolled in another public school in the school district in which
2 the charter school is located.

3 * **Sec. 7.** AS 14.03.260 is amended by adding a new subsection to read:

4 (e) The school district shall timely disburse the amount generated by students
5 enrolled in the charter school, less administrative costs, as provided under (a) of this
6 section, directly to the charter school, including the funding resulting from
7 adjustments made to the ADM of the charter school under AS 14.17.410(b)(1) and the
8 local contribution calculated under AS 14.17.410(b)(2) and (c).

9 * **Sec. 8.** AS 14.03.270(b) is amended to read:

10 (b) All provisions of an existing negotiated agreement or collective bargaining
11 agreement applicable to a teacher or employee of a district apply to that teacher or
12 employee if a teacher employed by the district under a negotiated or collective
13 bargaining agreement is employed at a charter school in that district, unless the
14 district and the bargaining unit representing the teacher or employee agree to an
15 exemption.

16 * **Sec. 9.** AS 14.03.270 is amended by adding a new subsection to read:

17 (d) A charter school may hire a teacher or other employee who is not subject
18 to a negotiated agreement or collective bargaining agreement.

19 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **APPLICABILITY.** This Act applies to charter school applications submitted for
22 approval or renewal on and after the effective date of this Act.