



# LAWS OF ALASKA

1995

**Source**  
CSSB 88(FIN)

**Chapter No.**  
77

## AN ACT

Establishing a pilot program for charter schools; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 8, 1995

**Actual Effective Date:** Section 10 takes effect June 9, 1995; section 9 takes effect September 6, 1995; remainder of Act takes effect July 1, 1995

AN ACT

1 Establishing a pilot program for charter schools; and providing for an effective date.

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3 \* Section 1. ESTABLISHMENT OF CHARTER SCHOOLS. (a) A charter school may  
4 be established as provided under this Act upon the approval of the local school board and the  
5 state Board of Education of an application for a charter school. The state Board of Education  
6 may not approve more than 30 charter schools to operate in the state at any one time and shall  
7 approve charter schools in a geographically balanced manner as follows: not more than 10  
8 schools in Anchorage; not more than five schools in Fairbanks; not more than three schools  
9 in the Matanuska-Susitna Borough; not more than three schools in the Kenai Peninsula  
10 Borough; not more than two schools in the City and Borough of Juneau; not more than seven  
11 schools located in other areas of the state, and these seven schools shall be allocated as nearly  
12 as possible in a geographically balanced manner throughout the rest of the state.

13 (b) A local school board shall prescribe an application procedure for the establishment

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1 of a charter school in that school district. The application procedure must include provisions  
2 for an academic policy committee consisting of parents of students attending the school,  
3 teachers, and school employees and a proposed form for a contract between a charter school  
4 and the local school board, setting out the contract elements required under sec. 2(c) of this  
5 Act.

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

8 \* Sec. 2. ORGANIZATION AND OPERATION OF A CHARTER SCHOOL. (a) A  
9 charter school operates as a school in the local school district except that the charter school  
10 (1) is exempt from the local school district's textbook, program, curriculum, and scheduling  
11 requirements; (2) is exempt from AS 14.14.130(c); the principal of the charter school shall be  
12 selected by the academic policy committee and shall select, appoint, or otherwise supervise  
13 employees of the charter school; and (3) operates under the charter school's annual program  
14 budget as set out in the contract between the local school board and the charter school under  
15 (c) of this section. A local school board may exempt a charter school from other local school  
16 district requirements if the exemption is set out in the contract.

17 (b) A charter school shall

18 (1) keep financial records of the charter school;

19 (2) oversee the operation of the charter school to ensure that the terms of the  
20 contract required by (c) of this section are being met; and

21 (3) meet regularly with parents and with teachers of the charter school to  
22 review, evaluate, and improve operations of the charter school;

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

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

27 (1) description of the educational program;

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

29 (3) admission policies and procedures;

30 (4) administrative policies;

31 (5) statement of the charter school's funding allocation from the local school

- 1 board and costs assignable to the charter school program budget;
- 2 (6) method by which the charter school will account for receipts and  
3 expenditures;
- 4 (7) location and description of the facility;
- 5 (8) name of the teacher, or teachers, who, by agreement between the charter  
6 school and the teacher, will teach in the charter school;
- 7 (9) teacher-to-student ratio;
- 8 (10) number of students served;
- 9 (11) the term of the contract, not to exceed a term of five years;
- 10 (12) a termination clause providing that the contract may be terminated by the  
11 local school board for the failure of the charter school to meet educational achievement goals  
12 or fiscal management standards, or for other good cause;
- 13 (13) a statement that the charter school will comply with all state and federal  
14 requirements for receipt and use of public money;
- 15 (14) other requirements or exemptions agreed upon by the charter school and  
16 the local school board.
- 17 (d) A charter school may be operated in an existing school district facility or in a  
18 facility within the school district that is not currently being used as a public school, if the  
19 chief school administrator determines the facility meets requirements for health and safety  
20 applicable to other public schools in the district.
- 21 \* Sec. 3. FUNDING FOR CHARTER SCHOOL. (a) A local school board shall provide  
22 an approved charter school with an annual program budget. The budget shall be not less than  
23 the amount generated by the students enrolled in the charter school less administrative costs  
24 retained by the local school district, determined by applying the indirect cost rate approved  
25 by the Department of Education. The "amount generated by students enrolled in the charter  
26 school" is to be determined in the same manner as it would be for a student enrolled in  
27 another public school in that school district.
- 28 (b) The program budget of a charter school is to be used for operating expenses of  
29 the educational program of the charter school, including purchasing textbooks, classroom  
30 materials, and instructional aids.
- 31 (c) The charter school shall provide the financial and accounting information requested

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1 by the local school board or the Department of Education, and shall cooperate with the local  
2 school district or the department in complying with the requirements of AS 14.17.190.

3 \* Sec. 4. ADMISSION. (a) The program of a charter school may be designed to serve

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

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

6 (b) A charter school shall enroll all eligible students who submit a timely application,  
7 unless the number of those applications exceeds the capacity of the program, class, grade  
8 level, or building. In the event of an excess of those applications, the charter school and the  
9 local school board shall attempt to accommodate all of those applicants by considering  
10 providing additional classroom space and assigning additional teachers from the district to the  
11 charter school. If it is not possible to accommodate all eligible students who submit a timely  
12 application, students shall be accepted by random drawing. A school board may not require  
13 a student to attend a charter school.

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

15 \* Sec. 5. TEACHER OR EMPLOYEE TRANSFERS, EVALUATIONS, AND  
16 NEGOTIATED AGREEMENTS. (a) A teacher or employee may not be assigned to a charter  
17 school unless the teacher or employee consents to the assignment.

18 (b) All provisions of an existing negotiated agreement or collective bargaining  
19 agreement applicable to a teacher or employee of a district apply to that teacher or employee  
20 if employed at a charter school in that district, unless the district and the bargaining unit  
21 representing the teacher or employee agree to an exemption.

22 (c) A teacher in a charter school shall be evaluated in an equivalent manner as all  
23 other teachers in the district, except that if there is no administrator assigned to the charter  
24 school, the local school board, with the agreement of the charter school, shall designate a  
25 school district administrator in that district to evaluate a teacher in a charter school.

26 \* Sec. 6. CONTRACTS; DURATION. A contract for a charter school may be for a term  
27 of no more than five years and may not extend beyond July 1, 2005.

28 \* Sec. 7. REGULATIONS. The state Board of Education may adopt regulations under  
29 AS 44.62 (Administrative Procedure Act) necessary to implement this Act.

30 \* Sec. 8. DEFINITIONS. In this Act,

31 (1) "academic policy committee" means the group designated to supervise the

1 academic operation of a charter school and to ensure the fulfillment of the mission of a charter  
2 school;

3 (2) "charter school" means a school established under this Act that operates  
4 within a public school district;

5 (3) "local school board" means a borough or city school board or a regional  
6 school board;

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

9 (5) "parent advisory group" means a group that is recognized by the school as  
10 representative of those parents having children attending that school, that has regular meetings,  
11 and in which membership is open to all parents within that school's attendance area;

12 (6) "teacher" means a person who serves a school district in a teaching,  
13 counseling, or administrative capacity and is required to be certificated in order to hold the  
14 position.

15 \* **Sec. 9.** This Act is repealed July 1, 2005.

16 \* **Sec. 10.** TRANSITION. Notwithstanding sec. 12 of this Act, the state Board of  
17 Education may proceed to adopt regulations necessary to implement this Act. The regulations  
18 take effect under AS 44.62 (Administrative Procedure Act), but not before the respective  
19 effective date of the relevant section or sections of this Act.

20 \* **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

21 \* **Sec. 12.** Sections 1 - 8 of this Act take effect July 1, 1995.