

HOUSE BILL NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE B.DAVIS

Introduced: 1/16/95

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the establishment of charter schools."

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

3 * **Section 1.** FINDINGS AND PURPOSE. (a) The legislature finds that in order to
4 improve the public school system it is necessary to allow teachers in the state with innovative
5 ideas to form and operate public schools independent of the school district. The use of
6 independent schools will allow pupils a real choice in schools, and encourage improvements
7 in philosophy, structure, and methods of teaching.

8 (b) It is the purpose of this Act to improve individual learning, increase learning
9 opportunities, allow different and innovative teaching methods, and provide better education
10 opportunities for pupils in the public school system.

11 * **Sec. 2.** AS 14.07.170 is amended by adding a new subsection to read:

12 (c) The board shall review and may approve applications for operating a
13 charter school.

14 * **Sec. 3.** AS 14.16 is amended by adding new sections to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE 2. CHARTER SCHOOLS.

Sec. 14.16.100. ESTABLISHMENT OF DISTRICT CHARTERED SCHOOL.

(a) Upon the application of a teacher and after approval by the state Board of Education, a school board may establish a charter school as provided under this AS 14.16.100 - 14.16.210. A school board may not establish more than two charter schools. The state Board of Education may not approve more than eight charter schools in the state.

(b) A charter school shall be operated as a cooperative or by a nonprofit corporation and managed by a board of seven directors. An initial board shall manage the charter school until the school begins classes, after which the board of directors shall be elected by the teachers and other employees of the charter school and by the parents of pupils enrolled in the school. A majority of the members of the board of directors must be teachers employed by the charter school. The articles of incorporation of the cooperative or nonprofit corporation must reflect the requirements of this subsection.

(c) A charter school shall be operated under a contract between the district school board and the board of the charter school. A contract must contain the following provisions:

- (1) a description of the education program;
- (2) specific levels of achievement for the education program;
- (3) admission policies and procedures;
- (4) requirements and procedures for program and financial audits;
- (5) policies for administration of the school;
- (6) assumption of liability by the cooperative or nonprofit corporation;
- (7) type and amount of insurance coverage to be obtained by the cooperative or nonprofit corporation;
- (8) the term of the contract; a contract may not exceed a term of four years; and
- (9) a termination clause providing that the contract may be terminated by the district school board for failure to meet education achievement goals, fiscal management standards, or other good cause.

1 Sec. 14.16.110. STATUS OF CHARTER SCHOOL. A charter school is a
2 public school of the state.

3 Sec. 14.16.120. EXEMPTION FROM CERTAIN EDUCATION LAWS. (a)
4 Except as provided in this section, a charter school is exempt from the other provisions
5 of law applicable to a school or a school district.

6 (b) The following provisions apply with respect to the operation and
7 management of a charter school as if it were a school district:

8 (1) requirements relating to school district operations:

9 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in
10 session, and school holidays);

11 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
12 applicable to school district operations);

13 (C) regulations adopted by the board under authority of
14 AS 14.07.020(a) that are applicable to school districts and their schools, unless
15 the board specifically exempts charter schools from compliance with the
16 regulation;

17 (D) AS 14.12.150 (authorizing school districts to establish and
18 participate in the services of a regional resource center);

19 (E) AS 14.14.050 (imposing the requirement of an annual
20 audit);

21 (F) AS 14.14.110 (authorizing cooperation with other school
22 districts);

23 (G) AS 14.18 (prohibiting discrimination based on sex in public
24 education);

25 (2) requirements relating to state financial assistance for education and
26 the receipt and expenditure of that assistance:

27 (A) AS 14.17.080 (relating to student count estimates);

28 (B) AS 14.17.082 (relating to school operating fund balances);

29 (C) AS 14.17.160 - 14.17.220 (setting out the procedure for
30 payment of financial assistance, and imposing general requirements and limits
31 on money paid);

- 1 (3) requirements relating to teacher employment and retirement:
2 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);
3 (B) AS 14.20.095 - 14.20.215 (relating to the employment and
4 tenure of teachers);
5 (C) AS 14.20.220 (relating to the salaries of teachers);
6 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave
7 provisions for teachers);
8 (E) AS 14.25 (provisions regarding the teachers' retirement
9 system);
10 (F) AS 23.40 (authorizing collective bargaining, negotiation, and
11 mediation by certificated employees) except with regard to teachers who are
12 administrators and except that the board may delegate some or all of its
13 responsibilities under those statutes;

- 14 (4) requirements relating to students and educational programs:
15 (A) AS 14.30.180 - 14.30.350 (relating to educational services
16 for exceptional children);
17 (B) AS 14.30.360 - 14.30.370 (establishing health education
18 program standards);
19 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
20 bicultural education).

21 Sec. 14.16.130. CHARTER SCHOOL FINANCIAL PROVISIONS. (a) A
22 charter school is eligible for state foundation aid under AS 14.17. For purposes of
23 calculating the amount of state foundation for which a charter school may qualify, a
24 charter school shall be treated as if it were a school district consisting of a single
25 funding community.

26 (b) For purposes of application for and receipt of federal aid to education, a
27 charter school constitutes a local educational agency.

28 Sec. 14.16.140. STATUS OF EMPLOYEES. The employees of the charter
29 school are not employees of the state or of the school district in which the charter
30 school is located.

31 Sec. 14.16.150. REQUIRED LEAVE. A school district shall grant a leave of

1 absence to a teacher employed by a school district who requests the leave for the
2 purpose of teaching at a charter school. A school district may require a leave of
3 absence allowed under this section be requested at least 90 days before the teacher
4 would otherwise be required to return to the school district.

5 Sec. 14.16.160. ADMISSION REQUIREMENTS. (a) A charter school may
6 limit admission to

7 (1) pupils within an age group or grade level;

8 (2) pupils who have a specific affinity for the school's teaching
9 methods, learning philosophy, or subjects being taught; or

10 (3) residents of a specific geographic area if the school reflects the
11 racial and ethnic diversity of that area.

12 (b) A charter school shall enroll all eligible pupils who submit a timely
13 application, unless the number of applications exceeds the capacity of the program,
14 class, grade level, or building. In the event of an excess of applications, pupils shall
15 be accepted by random lottery.

16 (c) A charter school may not discriminate on the basis of intelligence,
17 achievement or aptitude tests, or athletic ability.

18 Sec. 14.16.200. DEFINITIONS. In AS 14.16.100 - 14.16.200,

19 (1) "cooperative" means a cooperative corporation subject to AS 10.15;

20 (2) "nonprofit corporation" means a nonprofit corporation subject to
21 AS 10.20, but does not include a foreign corporation.