

SENATE BILL NO. 88

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS SHARP, Frank, Miller, Taylor, Rieger, Green

Introduced: 2/15/95

Referred: HES, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a pilot program for charter schools; and providing for an
2 effective date."

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

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

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

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

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

7 * **Sec. 2. ORGANIZATION AND OPERATION OF A CHARTER SCHOOL.** (a) A
8 charter school operates as a school in the local school district except that the charter school
9 (1) is exempt from the local school district's textbook, program, curriculum, and scheduling
10 requirements, and (2) operates under the charter school's annual program budget as set out in
11 the contract between the local school board and the charter school under (c) of this section.

12 A local school board may exempt a charter school from other local school district
13 requirements if the exemption is set out in the contract.

14 (b) A charter school shall

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

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

18 (3) meet regularly with teachers of the charter school to review, evaluate, and
19 improve operations of the charter school.

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

22 (1) description of the educational program;

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

24 (3) admission policies and procedures;

25 (4) administrative policies;

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

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

30 (7) location and description of the facility;

31 (8) name of the teacher, or teachers, who, by agreement between the charter

1 school and the teacher, will teach in the charter school;
2 (9) teacher-to-student ratio;
3 (10) number of students served;
4 (11) the term of the contract, not to exceed a term of three years;
5 (12) a termination clause providing that the contract may be terminated by the
6 local school board for the failure of the charter school to meet educational achievement goals
7 or fiscal management standards, or for other good cause;
8 (13) a statement that the charter school will comply with all state and federal
9 requirements for receipt and use of public money;
10 (14) other requirements or exemptions agreed upon by the charter school and
11 the local school board.

12 * **Sec. 3. FUNDING FOR CHARTER SCHOOL.** (a) A local school board shall provide
13 an approved charter school with an annual program budget. The budget shall be not less than
14 the amount generated by the students enrolled in the charter school less administrative costs
15 retained by the local school district, determined by applying the indirect cost rate approved
16 by the Department of Education. The "amount generated by students enrolled in the charter
17 school" is to be determined in the same manner as it would be for a student enrolled in
18 another public school in that school district.

19 (b) The program budget of a charter school is to be used for operating expenses of
20 the educational program of the charter school, including purchasing textbooks, classroom
21 materials, and instructional aids.

22 (c) The charter school shall provide the financial and accounting information requested
23 by the local school board or the Department of Education, and shall cooperate with the local
24 school district or the department in complying with the requirements of AS 14.17.190.

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

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

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

28 (b) A charter school shall enroll all eligible students who submit a timely application,
29 unless the number of those applications exceeds the capacity of the program, class, grade
30 level, or building. In the event of an excess of those applications, the charter school and the
31 local school board shall attempt to accommodate all of those applicants by considering

1 providing additional classroom space and assigning additional teachers from the district to the
2 charter school. If it is not possible to accommodate all eligible students who submit a timely
3 application, students shall be accepted by random drawing. A school board may not require
4 a student to attend a charter school.

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

6 * **Sec. 5. TEACHER TRANSFERS, EVALUATIONS, AND NEGOTIATED**
7 **AGREEMENTS.** (a) A teacher may not be assigned to teach in a charter school unless the
8 teacher consents to the assignment.

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

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

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

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

21 * **Sec. 8. DEFINITIONS.** In this Act,

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

25 (2) "charter school" means a school established under this Act;

26 (3) "local school board" means a borough or city school board or a regional
27 school board;

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

31 (5) "parent advisory group" means a group that is recognized by the school as

1 representative of those parents having children attending that school, that has regular meetings,
2 and in which membership is open to all parents within that school's attendance area;

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

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

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

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

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