

**HOUSE BILL NO. 229**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES VEZEY, Dyson, Mulder, Kohring, Kott

Introduced: 4/4/97

Referred: Health, Education and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

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

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

3 \* **Section 1.** AS 14.03.250 is repealed and reenacted to read:

4 **Sec. 14.03.250. Establishment of charter schools.** A charter school may be  
5 established as provided under AS 14.03.250 - 14.03.290 when preliminary approval of  
6 application for the charter school has been given by

7 (1) a local school board of the school district under AS 14.03.252 and  
8 final approval of the application has been given by the state Board of Education;

9 (2) a local charter school board authorized by municipal ordinance  
10 under AS 29.35.160(c) or 29.35.260(e) and final approval of the application has been  
11 given by the state Board of Education; or

12 (3) the state Board of Charter Schools under AS 14.03.253 and final  
13 approval of the application has been given by the state Board of Education; however,  
14 an application may not be submitted for preliminary approval under this paragraph  
15 unless

1 (A) preliminary approval was denied when the application was  
 2 first submitted for preliminary approval under AS 14.03.252 or under an  
 3 ordinance enacted under the authority of AS 29.35.160(c) or 29.35.260(e), as  
 4 appropriate; or

5 (B) an ordinance establishing a local charter school board has  
 6 not been enacted under AS 29.35.160(c) or 29.35.260(e), as appropriate, in the  
 7 district in which the charter school is to be located.

8 \* **Sec. 2.** AS 14.03 is amended by adding new sections to read:

9 **Sec. 14.03.252. Preliminary approval by local school board.** (a)

10 Preliminary approval of a charter school may be given by a local school board.

11 (b) A local school board shall prescribe an application procedure for the  
 12 establishment of a charter school in that school district. The application procedure  
 13 must include provisions for an academic policy committee consisting of parents of  
 14 students attending the school, teachers, and school employees and a proposed form for  
 15 a contract between a charter school and the local school board, setting out the contract  
 16 elements required under AS 14.03.255(c).

17 (c) A local school board shall forward to the state Board of Education an  
 18 application for a charter school that has been

19 (1) given preliminary approval by the local school board; or

20 (2) denied preliminary approval by the local school board if the  
 21 applicant appeals the denial under AS 14.03.254(a)(1).

22 (d) When a charter school application is denied under (c)(2) of this section,  
 23 the reasons for the denial must be set out in writing and specifically identify the  
 24 reasons for the denial.

25 **Sec. 14.03.253. State Board of Charter Schools; preliminary approval of**  
 26 **charter schools by board.** (a) There is established in the Department of Education

27 the state Board of Charter Schools. The charter school board consists of seven  
 28 members. The members of the charter school board shall be appointed by the  
 29 governor from a list of persons nominated by chief school administrators of all charter  
 30 schools in operation at the time of the making of the appointment and are subject to  
 31 confirmation by the legislature under AS 39.05.070 - 39.05.200. The charter school

1 board shall annually elect from its members a chair and vice-chair.

2 (b) Board members appointed under (a) of this section serve three-year terms.

3 (c) Board members appointed under (a) of this section are entitled to per diem  
4 and travel expenses authorized for boards and commissions under AS 39.20.180.

5 (d) Board members appointed under (a) of this section shall be appointed with  
6 due regard to their demonstrated interest in advocating diversity and improvement in  
7 the quality of public education.

8 (e) The charter school board shall consider applications for preliminary  
9 approval of charter schools submitted by applicants whose charter school applications  
10 have been denied preliminary approval under AS 14.03.252 or under an ordinance  
11 enacted under the authority of AS 29.35.160(c) or 29.35.260(e), as appropriate, or that  
12 are presented to it when an ordinance establishing a local charter school board has not  
13 been enacted under AS 29.35.160(c) or 29.35.260(e), as appropriate, in the district in  
14 which the charter school is to be located. Preliminary approval of a charter school  
15 may be given only by a majority of the members of the charter school board.

16 (f) The charter school board shall prescribe an application procedure for the  
17 establishment of a charter school. The application must include the elements specified  
18 in AS 14.03.252(b) except that the proposed form of the contract shall be between the  
19 charter school and the charter school board.

20 (g) When a charter school application is denied under this section, the reasons  
21 for the denial must be set out in writing and specifically identify the reasons for the  
22 denial.

23 (h) The charter school board shall forward to the state Board of Education an  
24 application for a charter school that has been

25 (1) given preliminary approval by the charter school board; or

26 (2) denied preliminary approval and the applicant appeals the denial  
27 under AS 14.03.254(b).

28 (i) The charter school board may conduct meetings by telephone, by  
29 teleconference, or by video conference.

30 **Sec. 14.03.254. Action on denials.** (a) If an application for a charter school  
31 is denied under AS 14.03.252 or under an ordinance enacted under authority of

1 AS 29.35.160(c) or 29.35.260(e), the applicant may

2 (1) appeal the denial to the state Board of Education under procedures  
3 established by the state Board of Education by regulation; or

4 (2) amend its application and submit the amended application to the  
5 state Board of Charter Schools.

6 (b) If an application for a charter school is denied under AS 14.03.253, the  
7 applicant may appeal the denial to the state Board of Education under procedures  
8 established by the state Board of Education by regulation.

9 \* **Sec. 3.** AS 14.03.255(a) is amended to read:

10 (a) A charter school operates as a school in the local school district **in which**  
11 **it is located. However,**

12 (1) [EXCEPT THAT] the charter school [(1)] is exempt from the local  
13 school district's textbook, program, curriculum, and scheduling requirements;

14 (2) **the charter school** is exempt from AS 14.14.130(c); the **chief**  
15 **school administrator** [PRINCIPAL] of the charter school shall be selected by the  
16 academic policy committee and shall select, appoint, or otherwise supervise employees  
17 of the charter school; [AND]

18 (3) **the charter school** operates under the charter school's annual  
19 program budget as set out in the contract [BETWEEN THE LOCAL SCHOOL  
20 BOARD AND THE CHARTER SCHOOL] under (c) of this section;

21 (4) **when the charter school operates under a contract with a local**  
22 **school board, the** [. A] local school board may exempt **the** [A] charter school from  
23 other local school district requirements if the exemption is set out in the contract; **and**

24 (5) **if there is a conflict between a provision of AS 14.03.250 -**  
25 **14.03.290 or a charter school contract and a provision of another requirement of**  
26 **this title relating to a public elementary or secondary school, the provision of**  
27 **AS 14.03.250 - 14.03.290 or the charter school contract prevails.**

28 \* **Sec. 4.** AS 14.03.255(c) is amended to read:

29 (c) A charter school shall operate under a contract between the charter school  
30 and the local school board, **the state charter school board, or the municipality, as**  
31 **appropriate.** A contract must contain the following provisions:

1 (1) description of the charter school's mission, philosophy, and  
 2 educational program; if the charter school's mission, philosophy, or educational  
 3 program is modeled after one or more existing schools, the description must  
 4 include reference to the schools and their philosophies;

5 (2) [SPECIFIC LEVELS OF ACHIEVEMENT] for the education  
 6 program,

7 (A) specific goals for the education of students at each grade  
 8 level, and the expected levels of achievement at each grade level; and

9 (B) the tests or methods of assessment to be applied to  
 10 determine students' performance when compared to the goals for the  
 11 education of the students at each grade level;

12 (3) admission policies and procedures;

13 (4) administrative policies;

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

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

18 (7) location and description of the facility;

19 (8) name of the teacher, or teachers, who, by agreement between the  
 20 charter school and the teacher, will teach in the charter school;

21 (9) teacher-to-student ratio;

22 (10) number of students served;

23 (11) the term of the contract, not to exceed a term of five years;

24 (12) a termination clause providing that the contract may be terminated  
 25 by the local school board, the state charter school board, or the municipality for  
 26 the failure of the charter school to meet educational achievement goals or fiscal  
 27 management standards, or for other good cause;

28 (13) a statement that the charter school will comply with all state and  
 29 federal requirements for receipt and use of public money;

30 (14) other requirements or exemptions agreed upon by the charter  
 31 school and the local school board, the state charter school board, or the

1            **municipality.**

2            \* **Sec. 5.** AS 14.03.255 is amended by adding new subsections to read:

3                    (e) In a contract entered into under (c) of this section, the local school board,  
4                    the state charter school board, or the municipality, as appropriate, may not require the  
5                    chief school administrator of the charter school to hold a valid administrative  
6                    certificate with sufficient endorsements for the person to qualify as an administrator  
7                    under a regulation adopted under authority of AS 14.07.060 and AS 14.20.020.

8                    (f) In a contract entered into under (c) of this section, a teacher employed in  
9                    the school shall hold a valid teaching certificate under AS 14.20.010 - 14.20.040, but  
10                    the local school board, state charter school board, or the contract of the municipality,  
11                    as appropriate, may not otherwise limit the chief school administrator of the charter  
12                    school in the hire of any person who holds a valid teaching certificate.

13            \* **Sec. 6.** AS 14.03.265(b) is amended to read:

14                    (b) A charter school shall enroll all eligible students **strictly in accordance**  
15                    **with the order of their application. If** [WHO SUBMIT A TIMELY APPLICATION,  
16                    UNLESS] the number of [THOSE] applications exceeds the capacity of the program,  
17                    class, grade level, or building [. IN THE EVENT OF AN EXCESS OF THOSE  
18                    APPLICATIONS], the charter school and the local school board shall attempt to  
19                    accommodate all [OF THOSE] applicants by considering providing additional  
20                    classroom space. **However, if** [AND ASSIGNING ADDITIONAL TEACHERS  
21                    FROM THE DISTRICT TO THE CHARTER SCHOOL. IF] it is not possible to  
22                    accommodate all eligible students who submit **an** [A TIMELY] application **by**  
23                    **providing additional classroom space, the** [,] students shall be accepted **strictly in**  
24                    **accordance with the order of their application, as the capacity of the charter**  
25                    **school permits** [BY RANDOM DRAWING]. A school board may not require a  
26                    student to attend a charter school.

27            \* **Sec. 7.** AS 14.03.270(b) is amended to read:

28                    (b) All provisions of an existing negotiated agreement or collective bargaining  
29                    agreement applicable to a teacher or employee of a district apply to that teacher or  
30                    employee if employed at a charter school in that district, unless **exception is otherwise**  
31                    **explicitly provided in AS 14.03.250 - 14.03.290 or unless** [THE DISTRICT AND]

1 the bargaining unit representing the teacher or employee **agrees** [AGREE] to an  
2 exemption.

3 \* **Sec. 8.** AS 14.03.275 is amended to read:

4 **Sec. 14.03.275. Contracts; duration.** A contract for a charter school may be  
5 for a term of no more than five years and may not extend beyond July 1, **2015** [2005].

6 \* **Sec. 9.** AS 14.03.275 is amended by adding a new subsection to read:

7 (b) If, at the end of the five-year term, a charter school has met or exceeded  
8 specific levels of achievement for its educational program set out in the contract  
9 entered into under AS 14.03.255, the contract shall be extended for an additional five-  
10 year period between the parties to the original contract.

11 \* **Sec. 10.** AS 14.03.280 is amended to read:

12 **Sec. 14.03.280. Regulations.** The state Board of Education may adopt  
13 regulations under AS 44.62 (Administrative Procedure Act) necessary to implement  
14 AS 14.03.250 - 14.03.290. **The regulations may not limit the number of charter**  
15 **schools that may operate within the state.**

16 \* **Sec. 11.** AS 14.03.290(6) is amended to read:

17 (6) "teacher" means a person who **is employed in** [SERVES] a school  
18 district in a [TEACHING, COUNSELING, OR ADMINISTRATIVE] capacity **for**  
19 **which the person has primary responsibility to plan, instruct, and evaluate**  
20 **learning of elementary or secondary school students in the classroom or an**  
21 **equivalent setting, for which a valid teacher certificate is required by**  
22 **AS 14.20.010 or for which a limited certificate may be issued under AS 14.20.025**  
23 [AND IS REQUIRED TO BE CERTIFICATED IN ORDER TO HOLD THE  
24 POSITION].

25 \* **Sec. 12.** AS 14.03.290 is amended by adding a new paragraph to read:

26 (7) "charter school board" means the state Board of Charter Schools  
27 established under AS 14.03.253.

28 \* **Sec. 13.** AS 29.35.160 is amended by adding a new subsection to read:

29 (c) A borough that constitutes a borough school district may, by ordinance,  
30 provide for preliminary approval of charter schools through a borough charter school  
31 board. The ordinance approved under this subsection must impose on the borough

1 charter school board the same requirements imposed on a local school board under  
 2 AS 14.03.252(b) - (d) except that the proposed form of the contract shall be between  
 3 the charter school and the borough assembly.

4 \* **Sec. 14.** AS 29.35.260 is amended by adding a new subsection to read:

5 (e) A city that constitutes a city school district may, by ordinance, provide for  
 6 preliminary approval of charter schools through a city charter school board. The  
 7 ordinance approved under this subsection must impose on the city charter school board  
 8 the same requirements imposed on a local school board under AS 14.03.252(b) - (d)  
 9 except that the proposed form of the contract shall be between the charter school and  
 10 the city council.

11 \* **Sec. 15.** Section 9, ch. 77, SLA 1995, is repealed.

12 \* **Sec. 16.** AS 14.03.250, 14.03.252, 14.03.253, 14.03.254, 14.03.255, 14.03.260, 14.03.265,  
 13 14.03.270, 14.03.275, 14.03.280, 14.03.290, AS 29.35.160(c), and 29.35.260(e) are repealed  
 14 July 1, 2015.

15 \* **Sec. 17.** APPOINTMENT OF INITIAL MEMBERS OF STATE BOARD OF CHARTER  
 16 SCHOOLS. (a) The governor shall appoint the first members of the state Board of Charter  
 17 Schools under AS 14.03.253 as follows:

18 (1) two members shall be appointed for one-year terms;

19 (2) two members shall be appointed for two-year terms;

20 (3) three members shall be appointed for three-year terms;

21 (b) The governor shall make the appointments required by AS 14.03.253 and (a) of  
 22 this section within 30 days of the effective date of this Act.

23 (c) Notwithstanding AS 14.03.253(a), in making appointments under this section, the  
 24 governor is not required to select appointees from a list of persons nominated by chief school  
 25 administrators of all charter schools in operation on the effective date of this Act, but the  
 26 members appointed are subject to legislative confirmation under AS 39.05.070 - 39.05.200.