

**HOUSE BILL NO. 93**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GATTIS, Keller, Tammie Wilson, Reinbold, Higgins

Introduced: 1/30/13

Referred: Education, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the authorization, monitoring, 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 amended to read:

4 **Sec. 14.03.250. Establishment of charter schools.** (a) A charter school may  
5 be established as provided under AS 14.03.250 - 14.03.290 upon the approval of **an**  
6 **authorizer under AS 14.03.253** [THE LOCAL SCHOOL BOARD] and the state  
7 Board of Education and Early Development of an application for a charter school.

8 (b) **The department** [A LOCAL SCHOOL BOARD] shall prescribe an  
9 application procedure for the establishment of a charter school **in the state** [IN THAT  
10 SCHOOL DISTRICT]. The application procedure must include provisions for **an**  
11 **authorizer**, an academic policy committee consisting of parents of students attending  
12 the school, teachers, and school employees, and a proposed form for a contract  
13 between a charter school and the **authorities** [LOCAL SCHOOL BOARD], setting  
14 out the contract elements required under AS 14.03.255(c).

15 (c) **An authorizer** [A LOCAL SCHOOL BOARD] shall forward to the state

1 Board of Education and Early Development applications for a charter school that have  
2 been approved or denied by the **authorizer** [LOCAL BOARD].

3 \* **Sec. 2.** AS 14.03 is amended by adding a new section to read:

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

5 The department shall establish a procedure for the approval of authorizers of charter  
6 schools. To be approved as an authorizer of charter schools, an applicant shall  
7 demonstrate to the satisfaction of the department that the authorizer is

8 (1) a governmental entity, including a governing body of a public  
9 school district;

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

12 (3) an accredited postsecondary institution.

13 (b) Once approved, an authorizer may be removed or replaced, at the  
14 discretion of the department and on adequate notice and an opportunity for hearing,  
15 for failure to meet state laws related to approval and monitoring of charter schools or  
16 for any other good cause.

17 (c) An authorizer approved under this section shall

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

21 (2) timely review for approval, renewal, or denial applications  
22 submitted to the authorizer by charter schools;

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

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

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

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

31 (7) maintain confidentiality over all education records of a charter

1 school as required by state and federal law.

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

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

5 (a) A charter school operates as a school in the local school district except that  
6 the charter school (1) is exempt from the local school district's textbook, program,  
7 curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c); the  
8 principal of the charter school shall be selected by the academic policy committee and  
9 shall select, appoint, or otherwise supervise employees of the charter school; and (3)  
10 operates under the charter school's annual program budget as set out in the contract  
11 between the **authorizer** [LOCAL SCHOOL BOARD] and the charter school under (c)  
12 of this section. A local school board may exempt a charter school from other local  
13 school district requirements if the exemption is set out in the contract. A charter school  
14 is subject to secondary school competency testing as provided in AS 14.03.075 and  
15 other competency tests required by the department.

16 \* **Sec. 4.** AS 14.03.255(b) is amended to read:

17 (b) **An authorizer** [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  
20 of the contract required by (c) of this section are being met;  
21 (3) meet regularly with parents and with teachers of the charter school  
22 to review, evaluate, and improve operations of the charter school; and  
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 \* **Sec. 5.** AS 14.03.255(c) is amended to read:

26 (c) A charter school shall operate under a contract between the charter school  
27 and **an authorizer approved under AS 14.03.253** [THE LOCAL SCHOOL  
28 BOARD]. A contract must contain the following provisions:

- 29 (1) a description of the educational program;  
30 (2) specific levels of achievement for the education program;  
31 (3) admission policies and procedures;

- 1 (4) administrative policies;
- 2 (5) a statement of the charter school's **program budget and** funding  
3 allocation from the **department** [LOCAL SCHOOL BOARD] and costs assignable to  
4 the charter school program budget;
- 5 (6) the method by which the charter school will account for receipts  
6 and expenditures;
- 7 (7) the location and description of the facility;
- 8 (8) the name of the teacher, or teachers, who, by agreement between  
9 the charter school and the teacher, will teach in the charter school;
- 10 (9) the teacher-to-student ratio;
- 11 (10) the number of students served;
- 12 (11) the term of the contract, not to exceed a term of 10 years;
- 13 (12) a termination clause providing that the contract may be terminated  
14 by the **authorizer or charter school** [LOCAL SCHOOL BOARD] for the failure [OF  
15 THE CHARTER SCHOOL] to meet educational achievement goals or fiscal  
16 management standards, or for other good cause;
- 17 (13) a statement that the charter school will comply with all state and  
18 federal requirements for receipt and use of public money;
- 19 (14) other requirements or exemptions agreed upon by the charter  
20 school and the **authorizer** [LOCAL SCHOOL BOARD].

21 \* **Sec. 6.** AS 14.03.260(a) is amended to read:

22 (a) **The department, in cooperation with the authorizer,** [A LOCAL  
23 SCHOOL BOARD] shall provide an approved charter school with an annual program  
24 budget. The budget shall be not less than the amount generated by the students  
25 enrolled in the charter school less administrative costs **to be paid to the authorizer of**  
26 **the school** [RETAINED BY THE LOCAL SCHOOL DISTRICT], determined by  
27 applying the indirect cost rate approved by the Department of Education and Early  
28 Development. The "amount generated by students enrolled in the charter school" is to  
29 be determined in the same manner as it would be for a student enrolled in another  
30 public school in **the** [THAT] school district **in which the charter school is located.**  
31 **The school district shall timely disburse the entire amount generated by students**

1        **enrolled in the charter school directly to the charter school, including the local**  
2        **contribution calculated under AS 14.17.410(b)(2) and (c).**

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

4                (b) All provisions of an existing negotiated agreement or collective bargaining  
5                agreement applicable to a teacher or employee of a district apply to that teacher or  
6                employee if **a teacher employed by the district under a negotiated or collective**  
7                **bargaining agreement is** employed at a charter school in that district, unless the  
8                district and the bargaining unit representing the teacher or employee agree to an  
9                exemption.

10        \* **Sec. 8.** AS 14.03.270 is amended by adding a new subsection to read:

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

13        \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
14        read:

15                APPLICABILITY. AS 14.03.250 - AS 14.03.270, as amended by this Act, apply to  
16        charter school applications for approval or renewal submitted on and after the effective date  
17        of this Act.