



AMENDMENT #12

OFFERED IN THE HOUSE
TO: CSHB 69(RLS)

BY REPRESENTATIVE ALLARD
COSTELLO
JOHNSON
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Page 1, line 1, following the third occurrence of "to": *(title amendment)*
Insert "public"

Page 3, line 6, through page 4, line 8:
Delete all material and insert:

** Sec. 5. AS 14.03.250 is amended to read:

Sec. 14.03.250. Application for public charter school. (a) A local school board shall prescribe an application procedure for the establishment of a public charter school in that school district. The application procedure must include provisions for an academic policy committee consisting of parents of students attending the school, teachers, and school employees and a proposed form for a contract between a public charter school and the local school board, setting out the contract elements required under AS 14.03.255(c).
(b) A decision of a local school board approving or denying an application for a public charter school must be in writing, must be issued within 60 days after the application, and must include all relevant findings of fact and conclusions of law.
(c) If a local school board approves an application for a public charter school, the local school board shall forward the application to the state Board of Education and Early Development for review and approval.
(d) If a local school board denies an application for a public charter school, the applicant may appeal the denial to the commissioner. The appeal to the commissioner shall be filed not later than 60 days after the local school board issues its written decision of denial. The commissioner shall review the local school board's

1 decision to determine whether the findings of fact are supported by substantial
 2 evidence and whether the decision is contrary to law. A decision of the commissioner
 3 upholding the denial by the local school board may be appealed within 30 days to the
 4 state Board of Education and Early Development.

5 (e) If the commissioner approves a public charter school application, the
 6 commissioner shall forward the application to the state Board of Education and Early
 7 Development for review and approval. The application shall be forwarded not later
 8 than 30 days after the commissioner issues a written decision. The state Board of
 9 Education and Early Development shall exercise independent judgment in evaluating
 10 the application.

11 (f) A local school board that denied an application for a public charter school
 12 approved by the state board on appeal shall operate the public charter school as
 13 provided in AS 14.03.255 - 14.03.290.

14 * Sec. 6. AS 14.03.253 is amended to read:

15 **Sec. 14.03.253. Public charter [CHARTER] school application appeal.** (a)

16 In an appeal to the commissioner under AS 14.03.250, the commissioner shall review
 17 the record before the local school board. The commissioner may request written
 18 supplementation of the record from the applicant or the local school board. The
 19 commissioner may

20 (1) remand the appeal to the local school board for further review;

21 (2) approve the public charter school application and forward the
 22 application to the state Board of Education and Early Development with or without
 23 added conditions; or

24 (3) uphold the decision denying the public charter school application;
 25 if the commissioner upholds a local school board's decision to deny a public charter
 26 school application and the applicant appeals to the State Board of Education and Early
 27 Development, the commissioner shall immediately forward the application and record
 28 to the state Board of Education and Early Development.

29 (b) In an appeal to the state Board of Education and Early Development of a
 30 denial of a public charter school application under (a)(3) of this section, the state
 31 board shall determine, based on the record, whether the commissioner's findings are

1 supported by substantial evidence and whether the decision is contrary to law. The
 2 state board shall issue a written decision within 45 [90] days after the state board
 3 receives an appeal.

4 * Sec. 7. AS 14.03.255 is amended to read:

5 **Sec. 14.03.255. Organization and operation of a public charter school.** (a)
 6 A public charter school operates as a school in the local school district except that the
 7 public charter school (1) is exempt from the local school district's textbook, program,
 8 curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c); the
 9 principal of the public charter school shall be selected by the academic policy
 10 committee and shall select, appoint, or otherwise supervise employees of the public
 11 charter school; and (3) operates under the public charter school's annual program
 12 budget as set out in the contract between the local school board and the public charter
 13 school under (c) of this section. A local school board may exempt a public charter
 14 school from other local school district requirements if the exemption is set out in the
 15 contract. A public charter school is subject to tests required by the department.

16 (b) A public charter school shall

17 (1) keep financial records of the public charter school;

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

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

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

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

27 (1) a 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) a statement of the public charter school's funding allocation from

1 the local school board and costs assignable to the **public** charter school program
2 budget;

3 (6) the method by which the **public** charter school will account for
4 receipts and expenditures;

5 (7) the location and description of the facility;

6 (8) the name of the teacher, or teachers, who, by agreement between
7 the **public** charter school and the teacher, will teach in the **public** charter school;

8 (9) the teacher-to-student ratio;

9 (10) the number of students served;

10 (11) the term of the contract, not to exceed a term of 10 years;

11 (12) a termination clause providing that the contract may be terminated
12 by the local school board for the failure of the **public** charter school to meet
13 educational achievement goals or fiscal management standards, or for other good
14 cause;

15 (13) a clause providing that, before a local school board terminates
16 a contract, the local school board must provide the charter school with written
17 notice and a reasonable opportunity, as determined by the local school board, to
18 cure the problem;

19 (14) a statement that the **public** charter school will comply with all
20 state and federal requirements for receipt and use of public money;

21 (15) [(14)] other requirements or exemptions agreed on [UPON] by the
22 **public** charter school and the local school board.

23 (d) A school district shall offer to a **public** charter school the right of first
24 refusal for a lease of space in an existing school district facility or in a facility within
25 the school district that is not currently being used as a public school, if the chief school
26 administrator determines the facility meets requirements for health and safety
27 applicable to public buildings or other public schools in the district. If the school
28 district requires lease payments by a **public** charter school, the school district shall
29 negotiate a lease agreement with the **public** charter school for an amount that does not
30 exceed the true operational costs calculated on a square foot basis for space leased
31 under this subsection."

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Renumber the following bill sections accordingly.

Page 4, line 10, following "A":

Insert "public"

Page 4, Line 11, following the second occurrence of "the":

Insert "public"

Page 4, line 14, following "the":

Insert "public"

Page 4, line 15, following the second occurrence of "the":

Insert "public"

Page 4, line 18, following the second occurrence of "a":

Insert ""public"

Page 4, line 20, through page 5, line 8:

Delete all material and insert:

"* Sec. 9. AS 14.03.260 is amended to read:

Sec. 14.03.260. Funding for public charter school. (a) A local school board shall provide an approved public charter school with an annual program budget. The budget shall be not less than the amount generated by the students enrolled in the public charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the department up to eight [FOUR] percent. Costs directly related to public charter school facilities, including rent, utilities, and maintenance, may not be included in an annual program budget for the purposes of calculating the eight [FOUR] percent cap on administrative costs under this subsection. A local school board shall provide a public charter school with a report itemizing the administrative costs retained by the local school board under this

1 section. The "amount generated by students enrolled in the public charter school" is to
2 be determined in the same manner as it would be for a student enrolled in another
3 public school in that school district and includes funds generated by grants,
4 appropriations, federal impact aid, the required local contribution, the local
5 contribution under AS 14.17.410(c), special needs under AS 14.17.420(a)(1), and
6 secondary school vocational and technical instruction under AS 14.17.420(a)(3). A
7 school district shall direct state aid under AS 14.11 for the construction or major
8 maintenance of a public charter school facility to the public charter school that
9 generated the state aid, subject to the same terms and conditions that apply to state aid
10 under AS 14.11 for construction or major maintenance of a school facility that is not a
11 public charter school.

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

15 (c) The public charter school shall provide the financial and accounting
16 information requested by the local school board or the Department of Education and
17 Early Development and shall cooperate with the local school district or the department
18 in complying with the requirements of AS 14.17.910.

19 (d) The expenses of housing nonresident students who attend the public
20 charter school, including room, board, and other reasonable housing expenses, may
21 not be paid for with state money but may be paid for with funds contributed by
22 sources other than the state.

23 * Sec. 10. AS 14.03.264(a) is amended to read:

24 (a) A public charter school that is established on or after July 1, 2014, may
25 receive a one-time grant from the department equal to the amount of \$500 for each
26 student enrolled in the school on October 1 of the first year in which the school applies
27 for the grant. The public charter school shall use a grant received under this section to
28 provide educational services. In this subsection, "educational services" includes
29 curriculum development, program development, and special education services.

30 * Sec. 11. AS 14.03.264(c) is amended to read:

31 (c) If the amount appropriated in a fiscal year for the public charter school

1 grant program is insufficient to meet the amounts authorized under (a) of this section,
 2 the department shall reduce pro rata the per pupil grant amount by the necessary
 3 percentage as determined by the department. If a **public** charter school grant is
 4 reduced under this subsection, the **public** charter school may apply to the department
 5 in a subsequent fiscal year for the balance of the grant amount.

6 * **Sec. 12.** AS 14.03.265 is amended to read:

7 **Sec. 14.03.265. Admission.** (a) The program of a **public** charter school may be
 8 designed to serve

- 9 (1) students within an age group or grade level;
 10 (2) students who will benefit from a particular teaching method or
 11 curriculum; or
 12 (3) nonresident students, including providing domiciliary services for
 13 students who need those services, if approved by the board.

14 (b) A **public** charter school shall enroll all eligible students who submit a
 15 timely application, unless the number of those applications exceeds the capacity of the
 16 program, class, grade level, or building. In the event of an excess of those applications,
 17 the **public** charter school and the local school board shall attempt to accommodate all
 18 of those applicants by considering providing additional classroom space and assigning
 19 additional teachers from the district to the **public** charter school. If it is not possible to
 20 accommodate all eligible students who submit a timely application, students shall be
 21 accepted by random drawing. A school board may not require a student to attend a
 22 **public** charter school.

23 (c) In addition to other requirements of law, a **public** charter school shall be
 24 nonsectarian.

25 * **Sec. 13.** AS 14.03.270 is amended to read:

26 **Sec. 14.03.270. Teacher or employee transfers, evaluations, and negotiated**
 27 **agreements.** (a) A teacher or employee may not be assigned to a **public** charter school
 28 unless the teacher or employee consents to the assignment.

29 (b) All provisions of an existing negotiated agreement or collective bargaining
 30 agreement applicable to a teacher or employee of a district apply to that teacher or
 31 employee if employed at a **public** charter school in that district, unless the district and

1 the bargaining unit representing the teacher or employee agree to an exemption.
2 (c) A teacher in a public charter school shall be evaluated in an equivalent
3 manner as all other teachers in the district, except that if there is no administrator
4 assigned to the public charter school, the local school board, with the agreement of the
5 public charter school, shall designate a school district administrator in that district to
6 evaluate a teacher in a public charter school."
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8 Renumber the following bill sections accordingly.

9
10 Page 5, line 10, following "a":

11 Insert "public"

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13 Page 5, following line 12:

14 Insert new bill sections to read:

15 **"* Sec. 15.** AS 14.03.290(1) is amended to read:

16 (1) "academic policy committee" means the group designated to
17 supervise the academic operation of a public charter school and to ensure the
18 fulfillment of the mission of a public charter school;

19 *** Sec. 16.** AS 14.03.290 is amended by adding a new paragraph to read:

20 (5) "public charter school" means a school established under
21 AS 14.03.250 - 14.03.290 that operates within a public school district."
22

23 Renumber the following bill sections accordingly.

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25 Page 5, following line 29:

26 Insert a new bill section to read:

27 **"* Sec. 18.** AS 14.07.165(a) is amended to read:

28 (a) The board shall adopt

29 (1) statewide goals and require each governing body to adopt written
30 goals that are consistent with local needs;

31 (2) regulations regarding the application for and award of grants under

- 1 AS 14.03.125;
- 2 (3) regulations implementing provisions of AS 14.11.014(b);
- 3 (4) regulations requiring approval by the board before a **public** charter
- 4 school, state boarding school, or a public school may provide domiciliary services;
- 5 (5) regulations establishing standards for an early education program
- 6 provided by a school district for children who are four and five years of age; the
- 7 regulations must include
 - 8 (A) standards for a locally designed, evidence-based program
 - 9 that meets federal standards required for early education programs to receive
 - 10 federal funding;
 - 11 (B) a requirement that a teacher in charge of a program hold a
 - 12 valid teacher certificate issued under AS 14.20 and
 - 13 (i) have satisfactorily completed a minimum of six
 - 14 credit hours in early childhood education or complete the minimum
 - 15 credit hours within two years of the date the teacher's employment with
 - 16 the early education program begins; or
 - 17 (ii) have two or more years of experience teaching
 - 18 kindergarten or another early education program and have completed
 - 19 additional coursework related to reading instruction, as required by the
 - 20 department;
 - 21 (C) developmentally appropriate objectives for children four
 - 22 and five years of age rather than academic standards appropriate for older
 - 23 children; the objectives must allow school districts to adapt the content of an
 - 24 early education program to be culturally responsive to local communities;
 - 25 (D) accommodations for the needs of all early education
 - 26 children and their families regardless of socioeconomic circumstances; and
 - 27 (E) standards for day in session requirements appropriate for
 - 28 children four and five years of age;
 - 29 (6) regulations establishing standards for day in session requirements
 - 30 appropriate for kindergarten students."
 - 31

1 Renumber the following bill sections accordingly.

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3 Page 6, following line 29:

4 Insert new bill sections to read:

5 **** Sec. 21.** AS 14.09.010(d) is amended to read:

6 (d) A school district that provides transportation services under this section
7 shall provide transportation services to students attending a **public** charter school
8 operated by the district under a policy adopted by the district. The policy must

9 (1) be developed with input solicited from individuals involved with
10 the **public** charter school, including staff, students, and parents;

11 (2) at a minimum, provide transportation services for students enrolled
12 in the **public** charter school on a space available basis along the regular routes that the
13 students attending schools in an attendance area in the district are transported; and

14 (3) be approved by the department.

15 *** Sec. 22.** AS 14.09.010(e) is amended to read:

16 (e) If a school district fails to adopt a policy under (d) of this section, the
17 school district shall allocate the amount received for each student under (a) of this
18 section to each **public** charter school operated by the district based on the number of
19 students enrolled in the **public** charter school.

20 *** Sec. 23.** AS 14.09.010(f) is amended to read:

21 (f) Nothing in (d) of this section requires a school district to establish
22 dedicated transportation routes for the exclusive use of students enrolled in a **public**
23 charter school or authorizes a **public** charter school to opt out of a policy adopted by a
24 school district for the purpose of acquiring transportation funding.

25 *** Sec. 24.** AS 14.11.121(a) is amended to read:

26 (a) The department shall establish a **public** charter school facilities
27 construction, lease, and major maintenance grant program that supplements grant aid
28 otherwise available under this chapter and that is based on a per pupil funding
29 formula.

30 *** Sec. 25.** AS 14.11.121(b) is amended to read:

31 (b) The department shall apply for available federal funding and award federal

1 funding made available under the grant program established under (a) of this section
 2 for not more than five years for approved projects for **public** charter school facilities
 3 construction, lease, or major maintenance as follows:

4 (1) 90 percent of the allowable costs for the first fiscal year for the
 5 approved project;

6 (2) 80 percent of the allowable costs for the second fiscal year for the
 7 approved project;

8 (3) 60 percent of the allowable costs for the third fiscal year for the
 9 approved project;

10 (4) 40 percent of the allowable costs for the fourth fiscal year for the
 11 approved project; and

12 (5) 20 percent of the allowable costs for the fifth fiscal year for the
 13 approved project.

14 * **Sec. 26.** AS 14.11.121(d) is amended to read:

15 (d) A school district or regional educational attendance area that submits an
 16 application for a proposed project under AS 14.11.011 for funding under this section
 17 that is approved for funding by the department shall provide a participating share that
 18 is equal to the difference between the allowable costs of a project and the combined
 19 available federal funding and the state aid provided under AS 14.11.126. Allowable
 20 costs for a project approved under this section shall be based on the adjusted student
 21 count for a **public** charter school calculated under AS 14.17.450(a) and (c), as
 22 determined by the commissioner.

23 * **Sec. 27.** AS 14.11.126 is amended to read:

24 **Sec. 14.11.126. State aid for costs of public charter school facilities**
 25 **construction, lease, and major maintenance.** During each fiscal year, the state shall
 26 allocate to a school district and regional educational attendance area that is approved
 27 for a **public** charter school facilities construction, lease, or major maintenance grant
 28 under AS 14.11.121 an amount that is not less than \$1 for each pupil enrolled in the
 29 **public** charter school.

30 * **Sec. 28.** AS 14.17.450(c) is amended to read:

31 (c) Except as provided in (d) of this section, if the student count in a **public**

1 charter school is less than 150, the adjusted student count for the school shall be
 2 calculated by multiplying the student count by the student rate for a school that has a
 3 student count of 400.

4 * **Sec. 29.** AS 14.17.450(d) is amended to read:

5 (d) If a **public** charter school has a student count of at least 75 but less than
 6 150 for the current year and is in the first three years of operation or had a student
 7 count of at least 75 in the previous year of operation,

8 (1) the adjusted student count for the school shall be calculated by
 9 multiplying the student count by the student rate for a school that has a student count
 10 of 150; and

11 (2) not later than February 15, the **public** charter school shall submit
 12 for approval of the governing board of the district a plan for the following school year
 13 that includes a statement about whether the school will continue to operate if the
 14 student count remains the same that year and, if so, a projection of the funding
 15 anticipated from the state and other sources, a proposed budget, and a description of
 16 anticipated changes to the school staff, program, and curriculum; if the school intends
 17 to close if the student count remains the same the following year, the plan must
 18 describe transfer plans for students, staff, facilities, and materials."

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20 Renumber the following bill sections accordingly.

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22 Page 7, following line 1:

23 Insert new bill sections to read:

24 ** **Sec. 31.** AS 14.17.905(b) is amended to read:

25 (b) Notwithstanding (a)(3) of this section and for purposes other than
 26 calculations under AS 14.17.450, a **public** charter school shall be counted as a
 27 separate school if the **public** charter school has an ADM of at least 150 students.

28 * **Sec. 32.** AS 14.30.365(c)(1) is amended to read:

29 (1) "alternative education program" means a public secondary school
 30 that provides a nontraditional education program, including the Alaska Military Youth
 31 Academy; a public vocational, remedial, or theme-based program; a home school

1 program that is accredited by a recognized accrediting body; a **public** charter school
2 authorized under AS 14.03.250 - 14.03.290; and a statewide correspondence school
3 that enrolls students who reside outside of the district in which the student resides and
4 provides less than three hours a week of scheduled face-to-face student interactions in
5 the same location with a teacher who is certified under AS 14.20.020;"

6

7 Renumber the following bill sections accordingly.

8

9 Page 7, line 13:

10 Delete "sec. 14"

11 Insert "sec. 33"

12

13 Page 8, following line 18:

14 Insert new bill sections to read:

15 **** Sec. 36.** AS 14.45.150(c)(1) is amended to read:

16 (1) "alternative education program" means a public secondary school
17 that provides a nontraditional education program, including the Alaska Military Youth
18 Academy; a public vocational, remedial, or theme-based program; a home school
19 program that is accredited by a recognized accrediting body; a **public** charter school
20 authorized under AS 14.03.250 - 14.03.290; and a statewide correspondence school
21 that enrolls students who reside outside of a district in which the student resides and
22 provides less than three hours a week of scheduled face-to-face student interactions in
23 the same location with a teacher who is certified under AS 14.20.020;

24 *** Sec. 37.** AS 29.45.050(u) is amended to read:

25 (u) A municipality may by ordinance classify and exempt or partially exempt
26 from taxation all or a portion of privately owned real property rented or leased for use
27 as a **public** charter school established under AS 14.03.250.

28 *** Sec. 38.** AS 14.03.290(2) is repealed."

29

30 Renumber the following bill sections accordingly.

31

- 1 Page 10, line 3:
- 2 Delete "Sections 5 - 9"
- 3 Insert "Sections 6 - 9 and 14"
- 4
- 5 Page 10, line 4:
- 6 Delete "secs. 5 - 9"
- 7 Insert "secs. 6 - 9 and 14"
- 8
- 9 Page 10, line 5:
- 10 Delete "17"
- 11 Insert "39"
- 12
- 13 Page 10, line 6:
- 14 Delete "Section 12"
- 15 Insert "Section 20"
- 16
- 17 Page 10, line 8:
- 18 Delete "Section 15"
- 19 Insert "Section 34"
- 20
- 21 Page 10, line 9:
- 22 Delete "secs. 21 - 23"
- 23 Insert "secs. 43 - 45"