



PRICHARD COMMITTEE FOR ACADEMIC EXCELLENCE

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EIGHT KEY QUESTIONS FOR ANY CHARTER SCHOOL BILL ANSWERS FOR HOUSE BILL 103

SPONSOR	Representative Phil Moffett
SPECIAL NOTE	In addition to its charter school provisions, HB 103 calls for a new category of opportunity schools and to an end to new districts of innovation, though already approved districts could continue their work.
WHAT STUDENT RESULTS WILL CHARTER SCHOOLS BE EXPECTED TO DELIVER?	Each body that seeks to authorize charter schools will propose “a description or outline of the performance framework the potential authorizer will use to guide the establishment of a charter contract.” Charter applicants will submit a plan to an authorizer that includes “using external, internal, and state-required assessments to measure student progress on the performance framework.” Charter schools will also “subject to the student assessment and accountability requirements applicable to noncharter public schools in the state.”
WHICH PUBLIC SCHOOL REQUIREMENTS WILL BE WAIVED, AND WHICH REQUIREMENTS WILL CHARTER SCHOOLS HAVE TO FOLLOW?	<p>Required:</p> <ul style="list-style-type: none"> ▪ State assessments, program audits, and other data for accountability ▪ Health and safety laws (including vaccinations, emergency drills, criminal record checks, weapons rules, student seclusion and restraint rules) ▪ Civil and disability rights (except that “If a student's individualized education program team determines that a disabled student's needs are so profound that they cannot be met in the public charter school, and the public charter school cannot provide a free, appropriate public education to that student, the student's district of residence shall place the student in a more appropriate setting”) ▪ Plans for identifying and serving gifted students and students who are academically behind “including but not limited to the school's plan for compliance with all applicable federal and state laws and regulations” on serving those students ▪ Employee health and life insurance matching that received by district employees ▪ Transportation for students who live in the district where the school is located ▪ Financial audits ▪ Open meetings and records rules for governing boards and contractors paid more than \$25,000 <p>Not required:</p> <ul style="list-style-type: none"> ▪ Free and reduced-price meals for low-income students (application must describe “the health and food services to be provided to students attending the school”) ▪ Student learning services, including primary talent pool, primary program, family resource and youth services centers, individual learning plans, college-level courses in high school, and class size caps ▪ Teacher certification, state processes for teacher growth and effectiveness, continuing contracts (tenure), and single salary schedule ▪ MUNIS accounting, state purchasing and bidding rules, and 2% contingency reserve <p>District-authorized charter schools will participate in state retirement programs. Participation by other charter schools will be optional, but the state retirement appropriations will include charter employees.</p>
	<p><i>Possible questions: Will health requirements include physical activity in grades K-5? Will disability rights include alternate diplomas? Will public school laws on suspensions and expulsions apply?</i></p>

<p>HOW WILL STUDENTS BE ADMITTED OR ASSIGNED TO CHARTER SCHOOLS?</p>	<p>Students who wish to attend will be admitted. If the number wishing to attend exceeds the school’s capacity, preference will be given to students who already attend the school, their siblings, and students who live in the district where the school is located. A charter school will also be allowed to give preference to the children of its full-time employees and members of its governing board, so long as those children are not more than 10% of the school’s enrollment. Remaining slots will be awarded by lottery. At conversion charter schools, a preference will also be given to students who attended the school before the conversion.</p> <p><i>Possible question: Will charter school be able to establish additional preferences or requirements for admissions, beyond those listed in the bill?</i></p>
<p>WHO WILL AUTHORIZE CHARTER SCHOOLS?</p>	<p>Charter schools will have multiple authorizers: school districts, mayors’ offices in Lexington and Louisville, the boards of four-year colleges and universities with accredited education schools, and the Council on Postsecondary Education will all be eligible for authorizing roles. Those potential authorizers will submit applications to the Kentucky Board of Education, setting out the performance frameworks they will use, other elements of their authorizing plans, and commitment to the legal requirements in the bill. The Kentucky Board of Education will be the authorizer for virtual charter schools and hear appeals when charter applications are rejected.</p> <p><i>Possible question: Which bodies will authorize conversion charter schools?</i></p>
<p>WHO WILL BE ABLE TO APPLY TO RUN A CHARTER SCHOOL?</p>	<p>“Teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof” will be able to apply. Half of the governing board’s members will have to be parents of the school’s students, and no more than one-third of members will be teachers or administrators at the school. If a charter school plans to contract with an education service provider, the planned terms of the contract will be included in the charter application. A single board will be allowed to govern more than one charter school, and incorporation will be required if the school seeks state facilities funding.</p> <p>Conversion charter schools will be allowed when the local school board votes for the conversion or a “simple majority of the parents or guardians of students who attend the school have signed a petition requesting the conversion.”</p> <p><i>Possible questions: Will a private school be able to apply to convert to a public charter school? Will charter schools be required to obtain 501(c) nonprofit recognition from the Internal Revenue Service?</i></p>
<p>WILL CHARTER SCHOOL NUMBERS AND ENROLLMENTS BE SUBJECT TO CAPS?</p>	<p>No.</p>
<p>HOW WILL CHARTER SCHOOLS BE CLOSED IF THEY DO NOT DELIVER?</p>	<p>Charter revocation will be allowed if a charter school does not meet or make progress toward performance expectations. If a charter school receives “fair and specific notice from the authorizer” of violations of the charter contract, standards of financial management, or applicable education laws and then fails to correct the violation, revocation will also be allowed. Each charter authorizer will set up additional procedures for notifying a school and allowing it to present evidence and arguments against revocation, and final decisions will be made by a resolution of the authorizer’s governing board.</p> <p><i>Possible question: What will constitute the governing board if a mayor’s office is the authorizer?</i></p>
<p>WHAT FUNDING WILL CHARTER SCHOOLS RECEIVE?</p>	<p>Charter schools authorized by a school district will be funded “at a minimum, at the same level as noncharter public schools located in the school district.”</p> <p>Charter schools authorized by other bodies will receive funding matched to the full per-pupil state and local dollars included in the SEEK formula, including local tax revenue that is not eligible for SEEK equalization (known as Tier II). The charter school will also receive state and federal categorical funds, and will be eligible to participate in a “public charter school facility revolving loan program.”</p> <p><i>Possible question: if a charter school enrolls students from two districts with different levels of Tier II local revenue, will the charter school receive funding based on the district where it is located or based on the districts where the students reside?</i></p>