

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Administrative Regulation)

5 701 KAR 8:030. Charter school revocation and non-renewal process.

6 RELATES TO: KRS 160.1590, 160.1591, 160.1592, 160.1593, 160.1594, 160.1595, 160.1596,

7 160.1597, 160.1598, 160.1599

8 STATUTORY AUTHORITY: KRS 160.1598

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.1598 requires the Kentucky Board
10 of Education to promulgate an administrative regulation to establish the process to be used by
11 charter school authorizers to revoke and non-renew charter contracts for charter schools. This
12 administrative regulation provides the requirements for the revocation and non-renewal process.

13 Section 1. Definitions.

14 () “Days” means calendar days and shall be calculated pursuant to KRS 446.030.

15 () “Local board of education” means a board of education described in KRS 160.160.

16 () “Local school board” means a local board of education.

17 (). “Notice” means written notice.

18 () “Notify” means provide written notice.

19 Section 2. Policies and Procedures. (1) The authorizer shall create and publish on its website
20 policies and procedures for its implementation of KRS 160.1598 as follows:

21 (a) The authorizer shall include in its policies and procedures a rubric for its evaluation of

1 charter contract performance for renewal;

2 (b) The authorizer shall make public and provide a copy of its policies and procedures,
3 including any rubric for evaluation of charter contract performance for renewal under KRS
4 160.1598, upon request;

5 (c) The authorizer shall include in its policies and procedures the circumstances that shall
6 result in automatic revocation or nonrenewal of a charter contract, only as allowed in KRS
7 160.1590 to 160.1599 and 161.141 and 701 KAR Chapter 8; and

8 (d) The authorizer shall include in its policies and procedures the requirements for appeal of
9 revocation or non-renewal of a charter contract.

10 Section 3. Appeal. (1) The charter school shall submit its appeal of an authorizer's revocation or
11 nonrenewal of the charter contract to the commissioner of education, to receive the appeal on
12 behalf of the Board, as follows:

13 (a) The deadline for appeals under KRS 160.1595 shall be thirty (30) days as evidenced by the
14 face of the authorizer's notice to the charter school of the decision to revoke or non-renew the
15 charter contract;

16 (b) The appeal shall include the name, phone number, mailing address, and email address of
17 the contact for the charter school and any legal counsel;

18 (c) The appeal shall include a statement from the charter school whether there is a request for
19 a hearing, and whether the hearing is requested to be held in the school district in which the
20 charter school resides; and

21 (d) The appeal shall be submitted on the Notice of Appeal form, incorporated by reference,
22 and include any necessary additional documentation.

23 (2) A charter school's failure to file an appeal compliant with subsection (1) of this section

1 shall act as a waiver of the charter school's right to appeal the authorizer's decision to revoke, or
2 non-renew a charter contract. **OR** The failure of a charter school to meet any of the deadlines of
3 this administrative regulation or the hearing process may result in the automatic affirmation of
4 the revocation, or non-renewal decision of the authorizer.

5 (3) Within five (5) days of the commissioner's receipt of the appeal, the commissioner of
6 education on behalf of the Board shall provide notice to the charter school and the authorizer
7 acknowledging receipt of the appeal, and:

8 (a) If a hearing is requested in the appeal, the commissioner of education shall designate a
9 hearing officer to set the prehearing schedule, to conduct a KRS Chapter 13B public hearing
10 before the Board on the appeal, and to set the location of the public hearing; or

11 (b) If a hearing is not requested in the appeal or if the charter school waives its right at any
12 time to a hearing by providing written notice of its waiver to the commissioner of education or to
13 any previously appointed hearing officer, the hearing officer shall set the schedule for written
14 pleadings under KRS 13B.090(2) to be submitted to the Board without a hearing.

15 (4) The written decision of the Board shall be issued no later than seven (7) days after the
16 conclusion of the hearing or the meeting to decide upon the written pleadings, which shall be
17 held within the time allowed in KRS 160.1595(3)(a).

18 Section 4. Emergency action. (1) Emergency action taken by the authorizer pursuant to KRS
19 160.1598(7) shall be taken in accordance with KRS 13B.125.

20 Section 5. Automatic revocation or non-renewal. (1) The Board shall affirm revocation or non-
21 renewal of a charter school for whom the department has determined a member of the board of
22 directors, or an education service provider at the direction of a member of the board of directors,
23 or an employee at the direction of a member of the board of directors, has intentionally

1 violated 703 KAR 5:080, Administration Code for Kentucky's Assessment Program or KRS
2 160.1592(3)(g) for a student assessment included in the academic performance goals of the
3 charter contract or the state accountability system.

4 Section 6. Incorporation by Reference. (1) "Notice of Appeal", January 2018, is incorporated by
5 reference.

6 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
7 the Department of Education, Office of Legal, Legislative and Communication Services, 5th
8 floor, 300 Building, 300 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8 a.m.
9 to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Stephen L. Pruitt, Ph.D.
Commissioner of Education

(Date)

William Twyman, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on _____, 2017, at 10 a.m., in the State Board Room, Fifth Floor, Sower Building, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through _____, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email kevin.brown@education.ky.gov.