

Statutory requirements for charter school applications and their approval

KRS 160.1592(3): A public charter school shall:

... (o) Operate under the oversight of its authorizer in accordance with its charter contract and application;

KRS 160.1596:

(1)(f) The charter contract shall be signed by the chair of the governing board of the authorizer and the chair of the board of directors of the public charter school. An approved charter application shall not serve as a charter contract for the public charter school.

KRS 160.1594:

(1) A public charter school authorizer shall:

(a) Fulfill the expectations and intent of this section and KRS 160.1590 to 160.1599 and 161.141;

(b) Demonstrate public accountability and transparency in all matters concerning its charter authorizing practices, decisions, and expenditures;

(c) Solicit, invite, and evaluate applications from applicants;

(d) Approve new and renewal charter applications that meet the requirements of this section and KRS 160.1593;

(e) Decline to approve charter applications that:

1. Fail to meet the requirements of this section and KRS 160.1593; or

2. Are for a school that would be wholly or partly under the control or direction of any religious denomination;

....

(i) Establish and maintain policies and practices consistent with the principles and professional standards for authorizers of public charter schools, including standards relating to:

1. Organizational capacity and infrastructure;

2. Soliciting and evaluating applications;

3. Performance contracting;

4. Ongoing public charter school oversight and evaluation; and

5. Charter approval, renewal, and revocation decision making.

....

(2) In reviewing applications, the public charter school authorizer is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to:

(a) Students identified by the applicants as at risk of academic failure; and

(b) Students with special needs as identified in their individualized education program as defined in KRS 158.281.

(3) After a charter applicant submits a written application to establish a public charter school, the authorizer shall:

(a) Complete a thorough review process;

(b) Conduct an in-person interview with the applicant group;

(c) Provide an opportunity in a public forum for local residents to provide input and learn about the charter application;

(d) Provide a detailed analysis of the application to the applicant or applicants;

- (e) Allow an applicant a reasonable time to provide additional materials and amendments to its application to address any identified deficiencies; and
 - (f) Approve or deny a charter application based on established objective criteria or request additional information.
- (4) In deciding to approve a charter application, the authorizer shall:
- (a) Grant charters only to applicants that possess competence in all elements of the application requirements identified in this section and KRS 160.1593;
 - (b) Base decisions on documented evidence collected through the application review process; and
 - (c) Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest.

KRS 160.1595:

- (7) An application shall be approved if the public charter school authorizer finds that:
- (a) The public charter school described in the application meets the requirements established by this section and KRS 160.1590 and 160.1592;
 - (b) The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and
 - (c) Approving the application is likely to improve student learning and achievement and further the purposes established by KRS 160.1591.

KRS 160.1591:

- (2) The General Assembly hereby establishes a public charter school project to benefit parents, teachers, and community members by creating new, innovative, and more flexible ways of educating all children within the public school system and by advancing a renewed commitment to the mission, goals, and diversity of public education. The purposes of the public charter school initiative are to:
- (a) Improve student learning outcomes by creating additional high-performing schools with high standards for student performance;
 - (b) Encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
 - (c) Close achievement gaps between high-performing and low-performing groups of public school students;
 - (d) Allow schools freedom and flexibility in exchange for exceptional levels of results-driven accountability;
 - (e) Increase high-quality educational opportunities within the public education system for all students, especially those at risk of academic failure; and
 - (f) Provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system.

KRS 160.1593:

- (1) An application to establish a public charter school may be submitted to a public charter school authorizer by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof.

(2) An applicant shall submit an application for approval of a public charter school to an authorizer and simultaneously to the state board. Charter authorizers shall accept and document the date and time of receipt of all charter applications.

(3) The information provided in the application shall be consistent with this section and shall include:

(a) A mission statement and a vision statement for the public charter school, including the targeted student population and the community the school hopes to serve;

(b) A description of the school's proposed academic program that is aligned with state standards, and that implements one (1) or more of the purposes described in KRS 160.1591, and the instructional methods that will support the implementation and success of the program;

(c) 1. The student achievement goals for the public charter school's educational program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals; and

2. An explanation of how the school's proposed educational program is likely to improve the achievement of traditionally underperforming students in the local school district;

(d) The school's plan for using external, internal, and state-required assessments to measure student progress on the performance framework as identified in KRS 160.1596, and how the school will use data to drive instruction and continued school improvement;

(e) The proposed governance structure of the school, including a list of members of the initial board of directors, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of directors, and the organizational structure of the school that clearly presents lines of authority and reporting between the board of directors, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(f) 1. Plans and timelines for student recruitment and enrollment, including policies and procedures for conducting transparent and random admission lotteries that are open to the public, and that are consistent with KRS 160.1591 and 160.1592.

2. An application shall demonstrate a plan to recruit at least one hundred (100) students, unless the application is focused on serving special needs or at-risk students;

(g) A proposed five (5) year budget, including the start-up year and projections for four (4) additional years with clearly stated assumptions;

(h) Draft fiscal and internal control policies for the public charter school;

(i) Requirements and procedures for programmatic audits and assessments at least once annually, with audits and assessments being comparable in scope to those required of noncharter public schools;

(j) A draft handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;

(k) A draft of the policies and procedures by which students may be disciplined, including students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;

(l) A description of the facilities to be used by the public charter school, including the location of the school, if known, and how the facility supports the implementation of the school's academic program. If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant shall notify the authorizer within ten (10) business days of

acquiring facilities for the school. The school shall obtain certification of occupancy for the facilities at least thirty (30) days prior to the first student instructional day;

(m) The proposed ages and grade levels to be served by the public charter school, including the planned, minimum, and maximum enrollment per grade per year;

(n) The school calendar and school day schedule, which shall total at least the equivalent to the student instructional year specified in KRS 158.070;

(o) Types and amounts of insurance coverage to be obtained by the public charter school, which shall include adequate insurance for liability, property loss, and the personal injury of students comparable to other schools within the local school district operated by the local school board;

(p) A description of the health and food services to be provided to students attending the school;

(q) Procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the local school district in which the public charter school is located or to another charter school located within the local school district and an assurance and agreement to payment of net assets or equity, after payment of debts as specified in KRS 160.1598;

(r) A code of ethics for the school setting forth the standards of conduct expected of its board of directors, officers, and employees;

(s) Plans for recruiting and developing staff;

(t) A staffing chart for the school's first year and a staffing chart for the term of the charter;

(u) A plan for parental and community involvement in the school, including the role of parents in the administration and governance of the school;

(v) The public charter school's plan for identifying and successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including but not limited to the school's plan for compliance with all applicable federal and state laws and regulations;

(w) A description of cocurricular and extracurricular programs and how they will be funded and delivered;

(x) The process by which the school will resolve any disputes with the authorizer; and

(y) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan.

(4) If the public charter school applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to:

(a) Provide evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(b) Provide student performance data and financial audit reports for all current and past public charter schools;

(c) Provide documentation of and explanation for any actions taken against any of its public charter schools for academic, financial, or ethical concerns;

(d) Provide evidence of current capacity for growth;

(e) Provide a term sheet setting forth:

1. The proposed duration of the service contract;

2. The annual proposed fees to be paid to the education service provider;

3. The roles and responsibilities of the board of directors, the school staff, and the education service provider;

4. The scope of services and resources to be provided by the education service provider;
 5. Performance evaluation measures and timelines;
 6. Compensation structure, including clear identification of all fees to be paid to the education service provider;
 7. Methods of contract oversight and enforcement;
 8. Investment disclosure; and
 9. Conditions for renewal and termination of the contract; and
- (f) Disclose and explain any existing or potential conflicts of interest between the board of directors and the proposed education service provider or any affiliated business entities.