

## **Charter School Renewal, Non-Renewal, Revocation, and Closure<sup>1</sup>**

### **Charter Contract Renewal Process:<sup>2</sup>**

*Performance Report:* Not later than one year prior to the expiration date of each charter school contract approved by the Board, the Superintendent, assisted by the Director of School Choice, shall issue a performance report to the charter school. The performance report shall include a compilation of the annual charter school reports issued to the charter school during the term of the charter contract, any corrective action plans issued to the charter school during the term of the charter contract and progress made by the charter school under those plans, any Letters of Deficiency or Letters of Probation issued to the charter school during the term of the charter contract, and other evidences of the charter school's performance under the charter contract collected during the charter term and deemed to be relevant by the Superintendent to the renewal process. The charter school shall have 20 days to review the performance report and provide any corrections or clarification that it desires to propose to the Superintendent. Following receipt of any proposed corrections or clarifications, the Superintendent, assisted by the Director of School Choice, shall address the proposed corrections or clarifications, provide a written response to the charter school board of directors regarding those that are deemed not required to be included in the performance report, and issue a final performance report.

*Renewal Application Requirements:* The Superintendent shall issue procedures describing the submission requirements, evaluation process, and timeline to be followed by the Superintendent and the Director of School Choice in reviewing all renewal applications. The Superintendent, assisted by the Director of School Choice, shall develop a renewal application that considers all necessary and appropriate factors relevant to the Board's decision whether to renew a charter school contract, including academic, operational, financial, and climate and culture conditions, and performance during the term of the contract against the defined expectations of the performance framework, including any corrective action plans or Letters of Deficiency or Letters of Probation issued to the charter school during the term of the contract. The Superintendent shall convene a Renewal Application Review Team led by the Director of School Choice that will review each renewal application and score the application based on a standard rubric. The procedures, application form, scoring rubric, and application guidance shall be posted on the District website and shall be provided to each charter school authorized by the Board not later than one year prior to the expiration of the charter school's contract. The scoring rubric shall be aligned with the performance framework.

Each charter school authorized by the Board that desires a renewal of its charter school contract shall submit a renewal application to the Superintendent no earlier than nine months and no later than six months prior to the expiration of its charter school contract. The Board shall approve the renewal or nonrenewal of a charter school contract within 30 days after the receipt of the application. The Board's decision to renew or deny renewal shall be in accordance with all applicable requirements under Kentucky charter school statutes and regulations as well as all applicable requirements adopted by the Board consistent with the Kentucky charter school statutes and regulations. The Board shall issue a report summarizing the evidentiary basis for the decision to the charter school, to its board of directors, and to the public by posting on the District website.

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<sup>1</sup> KRS 160.1594; 701 KAR 8:020, Section 2

<sup>2</sup> KRS 160.1598 (1) – (6), 701 KAR 8:020, Section 7; 701 KAR 8:030, Section 2

*Renewal Term:* The Board may renew a charter school contract for a term of up to five years. The Board may renew a charter school contract for a term of fewer than five years, but not fewer than three years, if the Board has a reasonable basis for concern as to the performance of the charter school during the previous term of the contract. Any variation from a five-year renewal term shall be based on the performance, demonstrated capacities, and specific circumstances of each charter school, the evidence of which shall be included in the report issued by the Board. The Board may grant a renewal of a charter school contract subject to satisfaction of specific conditions for necessary improvements to the charter school.

*Non-Renewal:* Upon the review of a renewal application for a charter school authorized by the Board, the Superintendent, assisted by the Director of School Choice, may make a recommendation to the Board to deny the charter school's renewal application based upon the findings of the Renewal Application Review Team, the contents of the renewal application, and the historical documented performance of the charter school. The Superintendent, assisted by the Director of School Choice, may recommend non-renewal if the Superintendent determines that the charter school has met any grounds for termination provided in the Kentucky charter school statutes and regulations, the charter school has met any grounds for denial of a charter school renewal application provided in the Kentucky charter school statutes and regulations, or the charter school's operation is no longer in the public interest due to poor academic performance, mismanagement, or financial insecurity. The charter school board of directors shall be provided written notice of the recommendation to deny renewal not later than 30 days prior to the Board hearing on the recommendation. The board of directors shall be permitted to provide a written response to the recommendation. The response shall be included with the recommendation and supporting evidence presented to the Board. If the Board decides to deny renewal of a charter school contract, the charter school board of directors shall be eligible to pursue remedies as specified in the Kentucky charter school statutes and regulations. All actions to revoke a charter school contract shall be noticed by the Superintendent to the Kentucky Board of Education and the commissioner of education.

**Revocation:**<sup>3</sup>

In accordance with the Kentucky Charter School statutes and regulations, the Board may terminate any charter school contract approved by the Board at any time during its term for failure of the charter school to meet the requirements for student performance contained in the charter contract or the Board's charter school performance framework, failure to meet the standards of fiscal management specified in the charter school contract, violations of law by the charter school, or as otherwise outlined in the contract.

The Board shall give written notice to the charter school board of directors not later than 30 days prior to terminating any charter school contract; provided, the Board reserves the right to act immediately to terminate a charter school contract and close the charter school in the event of any breach of the charter school contract or any violation of law that threatens the health and safety of students or staff of the charter school. Upon receipt of a written notification of termination, the charter school board of directors shall be permitted 10 days to provide a response to the notification. The charter school board of directors may also request, in writing, a hearing before the Board to be held not later than 14 days

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<sup>3</sup> KRS 160.1598(5)-(10), 701 KAR 8:020, Section 7; 701 KAR 8:030 Sections 4 and 5

after receiving the notification. The Board shall conduct any such hearing before taking action. If a hearing is to occur, the charter school shall be afforded all rights established under the Kentucky charter school statutes and regulations. If the Board decides to terminate the charter contract, the charter school board of directors shall be eligible to pursue remedies as specified in the Kentucky charter school statutes and regulations. All actions to revoke a charter school contract shall be noticed by the Superintendent to the Kentucky Board of Education and the commissioner of education.

**Closure:**<sup>4</sup>

*Closure Protocol:* The Superintendent shall issue a charter school closure protocol that shall be incorporated by reference into each charter school contract approved by the Board and posted on the District website. Upon revocation or non-renewal of any charter school contract, the Superintendent, assisted by the Director of School Choice, shall immediately implement the closure protocol issued by the Superintendent. The closure protocol shall ensure timely notification of the closure of a charter school to the affected parents or guardians, students, and the community. Additionally, the closure protocol shall ensure the orderly transition of the affected students and student records to new schools, the proper disposition of the school funds, property, and assets of the closed charter school, as well as transparency throughout the closure process.

*Student Placement:* If a charter school contract is not renewed or is terminated, all students who attended the charter school may enroll in another District school consistent with the Board's student assignment plan and enrollment procedures.

**Appeal:**<sup>5</sup>

Following any decision to impose unilateral conditions, revoke, or deny renewal of a charter school contract, the charter school may submit a notice of appeal to the Board and the State Board for Elementary and Secondary Education. The notice of appeal shall be filed within 30 days after the Board's decision to impose unilateral conditions, revoke, or deny renewal of the charter school contract. The notice of appeal must comply with the requirements of KRS 160.1595 and 704 KAR 8:030. The requirements for the notice of appeal shall be posted on the District website.

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<sup>4</sup> KRS 160.1598 (11) ; 701 KAR 8:020, Section 8

<sup>5</sup> KRS 160.1595, 701 KAR 8:030 Section 3