EXPLANATION: KRS 150.1594 REQUIRES CHARTER SCHOOL AUTHORIZERS TO HAVE 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.

FINANCIAL IMPLICATIONS: FUNDING FOR CHARTER SCHOOLS IS NOT COVERED IN THE CURRENT STATE BUDGET FOR 2018-20. FINANCIAL IMPLICATIONS COULD INCLUDE COSTS FOR STARTUP ACTIVITIES, TRAINING, GENERAL OVERSIGHT, MONITORING, INTERVENTIONS, DATA TRACKING, ETC.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.91 AP.1

Charter School Authorization

Authorizer Duties

Under KRS 160.1594, a public charter school authorizer shall:

* Solicit, invite, and evaluate applications;
* Approve new and renewal applications that meet statutory requirements;
* Decline applications that:
1. Fail to meet statutory requirements; or
2. Are for a school that would be under the direction of any religious denomination; and
* Negotiate and execute in good faith contracts with each authorized charter school;
* Monitor the performance and compliance of charter schools in accordance with contract terms;
* Determine whether each charter merits renewal or revocation;
* Establish and maintain practices consistent with professional standards for authorizers, including:
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.

Pursuant to KRS 160.1592, an authorizer shall semiannually consider for approval a charter school’s proposed amendments to the contract.

* Authorizers. may consider requests more frequently upon mutual agreement with the charter.
* Denials of amendment requests are appealable under KRS 160.1595.

KRS 160.1596 requires authorizers to collect, analyze, and report to the KBE all state required assessment and achievement data for each charter it oversees.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.91 AP.1

#  (Continued)

Charter School Authorization

Authorizer Duties (continued)

By August 31, 2019, and annually thereafter, each authorizer must submit to the (1) Commissioner, (2) Education and Workforce Development Secretary, and (3) Interim Joint Committee on Education a report that includes:

* Number of applications received, reviewed, and approved;
* Authorizing duties performed by the authorizer;
* Summary of the academic and financial performance of each charter school;
* Names of each charter school that have not yet begun to operate; and
* Names of each charter school during the prior academic year that:
1. Closed during or after the year; and
2. Had their contract nonrenewed or revoked.

701 KAR 8:020 requires authorizers to publicly report on oversight and services provided to charter schools under its authority and authorizing functions provided by the authorizer, including operating costs and expenses as detailed in an annual audited financial statement.

EXPLANATION: CHARTER STATUTES AND REGULATIONS REQUIRE BOARDS AS AUTHORIZERS TO HAVE AN APPLICATION PROCESS POLICY AND PROCEDURE.

FINANCIAL IMPLICATIONS: DEPENDENT UPON AUTHORIZATION OF A CHARTER SCHOOL

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.911 AP.1

Charter School Application

The charter school application shall include the following:

1. Performance information, financial information, and closure information for any charter school under the applicant or board of directors;
2. Details and documentation of the outreach the applicant or proposed board of directors has had with the students or community that is the focus of the charter school application;
3. Details of whether the charter application replicates or substantially replicates:
4. A charter application that the applicant, proposed board of directors, or another entity previously withdrew from consideration and the reasons it was withdrawn;
5. A charter application that was rejected by an authorizer and the reasons the charter application was rejected; or
6. A charter school that was previously closed and the reasons for the closure.

The Board shall request and secure a certificate of existence from the Secretary of State for any business entity or its designee included as an applicant or in the proposed board of directors and, if the applicant or board of directors includes a foreign entity, request and secure a certificate of authorization for the entity from the Secretary of State.

The Board shall publish on the District website the names of all persons, and their roles, who are involved in the review of charter applications. Review of charter applications shall be conducted pursuant to requirements of the Open Meetings Act.

The required application is incorporated by reference in regulation and can be accessed via the Kentucky Department of Education:

<https://education.ky.gov/districts/legal/Documents/KY%20Charter%20School%20Application%20and%20Addendum.pdf>

Reference:

701 KAR 8:020

explanation: Charter statutes and regulations require boards as authorizers to have a contract policy and procedure.

Financial Implications: Dependent upon authorization of a charter school

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.9111 AP.1

Charter School Contracts

Contract Performance

The District will use academic, financial, operational measures, and performance frameworks for public charter school oversight and evaluation with which the District shall evaluate the charter school’s performance under the charter contract.

Contract Requirements For School Pre-Opening

The Board shall include mutually agreed upon pre-opening requirements or conditions to:

1. Monitor the start-up progress of the newly approved public charter school;
2. Ensure that the charter school is prepared to open timely and smoothly on an agreed upon date; and
3. Ensure that the charter school meets all benchmarks related to facilities, health, safety, insurance, school personnel, enrollment, curriculum and instruction, operations and fiscal management, governance, and other legal requirements for the charter school opening.

Failure by the charter school to comply with these requirements or conditions may result in the immediate revocation of the charter contract. Such failure may result in the delay in the charter school opening by up to one (1) year if the Board does not determine that the charter school is more likely than not to close during the school year. Such failure shall result in the delay in the opening of the charter school by up to one (1) year if the Board does determine that the charter school is more likely than not to close during the school year.

Contract Financial Requirements

The Board shall include the following provisions for charter school financial solvency and sustainability:

1. Requirement that no member of the charter school board of directors, no education service provider, and no charter school employee shall knowingly recommend and no member of the charter school board shall knowingly vote for an expenditure in excess of the charter school’s income and revenue of any fiscal year, as shown by the budget adopted the charter school board of directors and approved by the local Board;
2. Requirement that a member of the charter school board of directors, an education service provider, or a charter school employee who knowingly expends or authorizes such an expenditure of charter school funds or who knowingly authorizes or executes any employment, purchase, or contract in violation of these requirements, shall be jointly and severally liable in person and upon any official fidelity bond given to the local Board to the extent of any payments on the void claim;

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.9111 AP.1

#  (Continued)

Charter School Contracts

Contract Financial Requirements (continued)

1. Requirement that, if at any time during any fiscal year of the charter school’s existence, a member of the charter school board of directors, an education service provider, or a charter school employee, knows or reasonably should know that the charter school has or will become unable to pay in full its projected expenses as they fall due, the charter school shall immediately advise the Kentucky Department of Education and the local Board and provide the Department and the local Board with all financial information relating to revenues and expenses of the charter school necessary to determine the extent and cause of any potential operating deficit.

Failure to provide the notice to or cooperate with the Department and the local Board as required in this section in the production of financial information pursuant to this section shall result in:

1. The local Board shall determine whether grounds exist to revoke the charter contract;
2. The knowingly acting member of the charter school board of directors, the education service provider, or the charter school employee may be subject to liability;
3. Requirement that the charter school board of directors maintain separate accountings of all funds received and disbursed by each charter school under the charter school board of directors;
4. Requirement that the charter school board of directors maintain separate accountings of all funds received and disbursed by each charter school under that charter school board of directors.

Contract Requirements for School Closure

The local Board shall include specific, exclusive reasons and timelines for closure initiated by the charter school board of directors, closure protocol including policies and procedures applicable to the school closure, as well as requirements pursuant to state statutes or regulations.

Contract Enrollment Requirements

The Board shall require that the charter school shall not prohibit a student from attending and shall not unenroll or withdraw a student unless the charter school has complied with KRS 158.150.

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.9111 AP.1

#  (Continued)

Charter School Contracts

Contract Requirements for Education Service Providers

The Board shall require in the charter contract that any contract between a charter school board of directors and an education service provider (ESP) shall be approved by the local Board prior to execution of the contract between the charter board and the ESP. The contract between the charter board and the ESP shall comply with the following:

1. Clear establishment of the primacy of the charter contract with the local Board over the contract between the charter board and the ESP;
2. Clearly identifies the charter school board of directors as the party ultimately responsible for success or failure of the charter school and defines the ESP as a vendor of services;
3. Prohibits the ESP from selecting, approving, employing, compensating, or serving as members of the charter school board of directors;
4. Requirement that the charter school board of directors directly select, retain, and compensate the charter school’s legal counsel, finance staff, audit firm, and school leader;
5. Provision for payments to the charter school to made to an account controlled by the charter school board of directors, not the ESP;
6. All instruction materials, furnishings, and equipment purchased or developed with charter school funds be the property of the charter school, not the ESP;
7. Identification and description of roles and responsibilities of the charter school board of directors and the ESP, including all services to be provided under the contract between the charter school board of directors and the ESP;
8. Identification and description of performance measures and consequences by which the charter school board of directors shall hold the ESP accountable for performance, aligned with the performance measures in the contract between the local Board and the charter school board of directors;
9. Identification and specific description of all compensation to be paid to the ESP, including all fees, bonuses, and conditions, consideration, and restrictions on such compensation;
10. Identification and description of terms of any facility agreement that may be part of any relationship between the charter school board and the ESP;
11. Identification and description of financial reporting requirements and provisions for the charter school board of directors’ financial oversight of the ESP and the charter school;

# POWERS AND DUTIES OF THE BOARD OF EDUCATION $01.9111 AP.1

#  (Continued)

Charter School Contracts

Contract Requirements for Education Service Providers (continued)

1. Identification and description of all other financial terms of the contract, including disclosure and documentation of all loans or investments by the ESP to the charter school board, and provision for the disposition of assets upon closure;
2. Assurances that the charter school board shall maintain independent fiduciary oversight and authority over the charter school budget and ultimate responsibility for the charter school’s performance including that:
3. The charter school board of directors shall be structurally independent from the ESP and shall set and approve charter school policies;
4. The terms of the contract between the charter school board and the ESP are reached through arm’s-length negotiations in which the charter school board is represented by legal counsel that does not also represent the ESP;
5. Provisions for contract termination without penalties for the charter school without costs beyond the pro-rated value of the services provided by the education service provider; and
6. Respective responsibilities of the charter school board and the ESP in the event of school closure.

The contract between the local Board and the charter school board shall prohibit delegation of the charter school board of directors’ responsibilities in this section to the ESP.

Contract Approval by the Commissioner of Education

The local Board shall not enter a charter contract for start-up, conversion, renewal of a charter school, or agree to any charter contract or contract amendment unless submitted to the Commissioner of Education who shall approve or deny but include reasons and any suggestions for remedy of those reasons. Failure to meet the Commissioner’s requirements for approval shall render the contract or amendment void.

EXPLANATION: THIS CLARIFIES THE PRINCIPAL’S AUTHORITY OF THE ORDERLY CONDUCT AND SAFETY ON SCHOOL PROPERTY AND REMOVES A MINISTERIAL DUTY.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

# SCHOOL FACILITIES $05.45 AP.1

Crowd Control

Principal's Authority

The Principal shall have authority to promote the orderly conduct and safety of the students and other spectators attending events on school property. Crowd control procedures shall include the following:

1. Assignment of authorized school personnel to provide adequate supervision.
2. The Principal may request law enforcement personnel to be present if s/he anticipates the crowd may pose a conduct or safety problem.
	1. Law enforcement personnel shall be provided for athletic events, as approved by the Superintendent.
	2. The Principal shall utilize his or her judgment regarding the number of officers needed and advise as to their placement.
3. The admission gate or entrance shall be controlled and admission limited to eligible students, chaperones, guests, spectators, and other authorized persons.
4. Persons under the influence of alcohol or drugs are subject to exclusion from the event.
5. If a disturbance occurs, school authorities shall determine if the event needs to be concluded and may close the event, as appropriate, and send those in attendance off the school grounds.

Related Policies:

05.3

09.311

09.35

EXPLANATION: HB 527 DEFINES BEST INTEREST OF THE CHILD AND REQUIRES DISTRICTS TO PROVIDE TRANSPORTATION TO THE SCHOOL OF ORIGIN IF DETERMINED TO BE IN THE BEST INTEREST OF THE CHILD AS IT RELATES TO EDUCATIONAL STABILITY.

FINANCIAL IMPLICATIONS: COST OF TRANSPORTING STUDENTS

# TRANSPORTATION K06.32 AP.1

Eligibility for Transportation

Students With Disabilities

The need for special transportation for students with disabilities must be determined by the ARC or Section 504 Team and stated in the student’s Individual Education Plan (IEP) or Section 504 Plan.

Career and Technical Students

High school students attending an area career and technical school or extension center are eligible to be transported from the high school to the career and technical school. Transportation will be provided by the District in accordance with state regulations.

Distance Limitations

Three (3)- and (4)-year-old preschool children and students with disabilities are not required to meet the distance specifications in Policy 06.32 to be eligible for school transportation.

Preschool Transportation

When the parent/guardian, or a person authorized by the parent/guardian to accept the child, is not present upon midday or afternoon delivery, the child shall be returned to the school upon completion of the route. The parent/guardian shall be notified of the child’s location and shall be responsible for pick up.

Upon the third (3rd) time the assigned adult is not present to receive the child, the parent(s)/guardian will be requested to provide transportation for the child.

Children in Foster Care

The Superintendent will designate a Foster Care Liaison to coordinate activities relating to the District’s provision of services to children placed in foster care, including transportation services, when the District is notified by the Cabinet for Health and Family Services, Department for Community Based Services (“the Department”) in writing that the Department has designated its foster care point of contact for the District. The Superintendent may designate the Foster Care Liaison prior to such notice from the Department.

The District will collaborate with the Department when transportation is required to maintain children placed in foster care in a school of origin outside their usual attendance area or District when in the best interest of the student. Under the supervision of the Superintendent/designee, the District Foster Care Liaison may invite appropriate District officials, the Department point of contact, the foster parents, and officials from other districts or agencies to consider how such transportation is to be promptly arranged and funded in a cost effective manner in accordance with the Department’s authority to use child welfare funding. The Department, in consultation with the District, shall make the determination on whether the child shall remain enrolled in the school of origin based on the best interest of the child, weighing the promotion of educational stability as a primary factor.

# TRANSPORTATION K06.32 AP.1

#  (Continued)

Eligibility for Transportation

Children in Foster Care (continued)

If the Department finds it is in the best interest of a child to remain in the school of origin upon placement of the child in a new school district, reasonable transportation shall be offered from the location of placement to the school of origin in which the child is enrolled for any regularly scheduled school day. Such may result in additional transportation costs to a foster parent, child placing agency, child care facility, or the District. The District will provide transportation if necessary to maintain a child in the school of origin if the Department agrees to reimburse the District for the cost of such transportation. Transportation costs incurred shall be reimbursed by the Department on request. Alternatively, the District may agree to pay the cost of such transportation or the District and the Department may agree to share the cost.

Definitions

“Foster Care” means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Cabinet has placement care and responsibility.

“School of origin” means the public school in which a child was enrolled immediately prior to placement in foster care.

“Best interest of the child” takes into consideration the following factors including but not limited to:

* The benefits to the child of maintaining educational stability;
* The appropriateness of the current educational setting;
* The child’s attachment and meaningful relationships with staff and peers at the current educational setting;
* The influence of the school’s climate on the child;
* The safety of the child; and
* The proximity of the placement to the school of origin, and how the length of a commute would impact the child.1

# TRANSPORTATION K06.32 AP.1

#  (Continued)

Eligibility for Transportation

References:

1New Section of KRS 199.800 to 199.805

 KRS 605.120

 922 KAR 1:350

 42 U.S.C. § 675(4)(A)

 20 U.S.C. § 6311(g)(1)(E)

 20 U.S.C. § 6312(c)(5)

 P. L. 114-95, (Every Student Succeeds Act of 2015)

EXPLANATION: THE “EVERY STUDENT SUCCEEDS ACT OF 2015” (P. L. 114-95) ELIMINATED THE “SUPPLEMENTAL EDUCATION SERVICES” PROGRAM AND REPLACED IT WITH THE “DIRECT STUDENT SERVICES” PROGRAM WITH A DIFFERENT SET OF OFFERINGS.

FINANCIAL IMPLICATIONS: POSSIBLE TRANSPORTATION AND MATERIAL/PROGRAM COSTS

# CURRICULUM AND INSTRUCTION AQ08.133 AP.1

Extended School/Direct Student Services

Extended School Services (ESS)

The Board shall provide services in compliance with applicable statutes and administrative regulations.

1. Students may receive remedial instruction through an after-school tutorial, summer school, or daytime waiver program. The summer school program shall meet state standards for an approved program for middle and high school students.
2. Students who have a greater academic need as determined by the eligibility criteria as stated in KRS 158.070 and 704 KAR 3:390 shall be referred and selected first to receive ESS.
3. Students who have greater academic need as stated in KRS 158.070 and 704 KAR 3:390 shall not be excluded from referral or selection for ESS due to the inability of the parent or student to provide transportation to or from the school or site of ESS programs.
4. The school informs parents or guardians of Extended School Services as follows
5. A general notification which describes the nature of the services to be offered including the opportunities for maintenance of performance, prevention of failure and reduction of academic deficiencies;
6. A specific notification of their child’s eligibility to receive ESS; and
7. Written procedures for parents or guardians to request reconsideration of their children’s identification or lack of identification of eligibility for ESS.
8. Accurate records shall be maintained for student attendance to Extended School Services and of student progress toward individual goals.
9. Students not enrolled in ESS may be allowed to ride the buses provided through ESS funds only to the extent that it does not increase the cost of such transportation to ESS.

Staffing for ESS

Selection of ESS staff (certified and classified) shall be based on having the specific expertise to meet the needs of the students being served. All other criteria for employment shall be fair and equitable to applicants.

Accurate time logs shall be maintained for personnel receiving salary from Extended School Services. Such salary is for direct services to the Extended School Services program. No ESS staff member shall be paid more than his/her actual hourly rate for a comparable position in the regular program.

# CURRICULUM AND INSTRUCTION AQ08.133 AP.1

#  (Continued)

Extended School/Direct Student Services

Participation of Private, Parochial Home School Students

Students who attended private, parochial, or home schools the previous year are eligible to participate in extended school services during the summer if they meet the eligibility criteria.

Eligibility shall be determined according to the selection criteria outlined in this procedure. The private, parochial, or home school shall verify in writing to the District as to the correctness of the documentation.

During attendance they will be considered students of the District and shall be subject to all policies, rules, and regulations of the District.

Students attending private, parochial, or home schools are not eligible to receive instruction through an after-school tutorial program.

Direct Student Services

Direct student services shall be available to students in schools identified by the State for comprehensive support and improvement and for low-achieving students in schools implementing targeted support and improvement plans. Direct student services include:

* Enrollment in academic courses not otherwise available at a student’s school;
* Credit recovery and academic acceleration courses;
* Activities that assist students in successfully completing postsecondary level instruction that are accepted for credit at such institutions (Advanced Placement, International Baccalaureate, etc.);
* Components of a personalized learning approach such as high-quality academic tutoring; and
* Transportation to allow a student enrolled in a school identified for comprehensive support and improvement to transfer to another public school.

Costs associated with direct student services shall be in compliance with state and federal law and regulations.

References:

KRS 158.6459

704 KAR 3:390

P.L. 114-95, (Every Student Succeeds Act of 2015)

Related Procedure:

08.133 AP.2

EXPLANATION: REVISIONS TO 704 KAR 7:090 ADD UNACCOMPANIED YOUTH, CHANGE THE HOMELESS COORDINATOR TO LIAISON, AND ADD FOSTER CARE LIAISON.

FINANCIAL IMPLICATION: NONE ANTICIPATED

# STUDENTS $09.12 AP.1

Student Enrollment and Homeless/Immigration Status

Immigrant Status

The Principal/designee shall notify school staff that a student’s right to enrollment does not depend on his/her or the parent/guardian’s immigration status.

School personnel should not engage in any practice that would inhibit or discourage an unauthorized alien student or any other student from attending.

Homeless Students and Unaccompanied Youth

The term “homeless” shall refer to children and youths who lack a fixed, regular and adequate nighttime residence and includes those that are:

1. Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Abandoned in hospitals;
5. Residing in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and/or
7. Migratory children who are living in the previously described circumstances.

Guidelines for Enrollment

1. In general, only minimal information, such as name and age, can be required to enroll any student in school.
2. Types of reliable proof of a student’s identity and age may include, but are not be limited to:
* Passport
* Military identification or immigration card
* Baptismal certificate
* Copy of the record of baptism that has been notarized or duly certified and reflects the date of the student’s birth
* Any religious record authorized by a religious official
* Recording of the student’s name and birth in a family Bible or other religious text

# STUDENTS $09.12 AP.1

#  (Continued)

Student Enrollment and Homeless/Immigration Status

Guidelines for Enrollment (continued)

* Notarized statement from the parents or another relative or guardian as to the date of the student’s birth
* Prior school record indicating the date of the student’s birth
* Driver’s license or learner’s permit
* Adoption record
* Affidavit of identity and age
* Any government document or court record reflecting the date of the student’s birth
* Oral proof when the native language of a parent or guardian is not a written language.
1. A student’s exact date of birth (month, day and year) is not required for initial enrollment.
2. When a student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may offer proof of age and identity of a student for initial enrollment purposes.
3. The District homeless student liaison shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain essential records that are not in existence and immediately place the student in appropriate programs
4. To the extent possible, the District homeless student liaison shall attempt to provide required notices to non-English speaking parents via written language understandable to the general public and in the native language or other mode of communication of the parent with documentation of the attempt. If the native language of the parent is not a written language, the liaison should take steps to ensure that the notice is translated orally or by other means so that the parent understands the content of the notice and that there is written evidence of the translation to the extent possible with documentation of the attempt.

Children in Foster Care

The foster care liaison may also be the homeless education liaison. The foster care liaison’s responsibilities shall be to ensure that:

1. The child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child’s best interest;
2. If it is not in the child’s best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
3. That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records.

ALL NEW LANGUAGE 5/7/18 Include with update

Explanation: KDE continues to maintain statutory authority for approval of all superintendent evaluation plans per KRS 156.557, however, it is our understanding that KDE will no longer be requiring adherence to the Recent SPGES model. Boards may continue incorporating the best practices from the SPGES model if they so choose. If boards develop their own evaluation plan, it must be meaningful and tied to goals that impact student achievement, gap closure, and other items that are relevant to the success of students in each district. At the time of this update, the KSBA model aligned with the former spges standards, is under review by the Kentucky Department of Education.

Financial Implications: None Anticipated

# ADMINISTRATION B$02.14 AP.2

Evaluation of the Superintendent

The Board may utilize locally developed superintendent evaluation procedures.