

Summary of Changes to 701 KAR 8:020 – Evaluation of charter school authorizers.

Change	Reason
Section 1: Revises the definition of “at risk of academic failure” (P. 2, lines 2-3).	Corrects the reference to schools identified for Targeted Support and Improvement pursuant to KRS 160.346 and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act.
Section 3: Amends the training requirements for charter school authorizer (P. 10, lines 5-23 and P.11, lines 1-18).	This change is intended to alleviate hardships on school districts and local board of education members. Specifically, between September 2019 and February 2020, 16 school districts sought waiver of 701 KAR 8:020, Section 3(4) by petitioning the Kentucky Board of Education under KRS 156.160(2), which grants the board authority to waive its own regulations at the request of a local school district superintendent and establishes the parameters for doing so. The hardships articulated by the requesting districts ranged from financial burdens related to increased board member training expenses, which one district stated cost the district an additional \$4,000, to the possibility of losing potentially irreplaceable board members due to time away from jobs outside of board service and loss of associated income in order to complete mandated charter authorizer training.
Section 4: Removes the requirement for the department to develop a charter application scoring rubric (P. 14, lines 7-8) and renumbers throughout (P. 14, line 21 and P. 15 lines 1 and 3).	KRS 160.1594(1)(i) requires authorizers to “establish and maintain policies and procedures,” and 701 KAR 8:030, Section 2(1) requires those policies include, among other items, “a rubric for its evaluation of a charter application.” Accordingly, regardless of whether the Kentucky Department of Education develops a rubric, authorizers are required to possess a mechanism by which to evaluate charter school applications that aligns with and fulfills the totality of the authorizer’s adopted policies and procedures.
Section 11: Deletes the entire section (P. 34, lines 13-23 and P. 35, lines 1-17).	This section is being deleted because the reporting requirements articulated therein go beyond what is required in KRS 160.1596(5) and are unnecessary in light of the limited charter school activity that has occurred in the state since 2017, which is when charter schools were first authorized under state law.
Section 12: Renumbers as “Section 11” and makes technical changes therein (P. 35, lines 17-23 and P. 36, lines 1-2).	Changes to this section are purely technical in nature and do not impact the substance of the regulation.