

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** 701 KAR 8:020, Evaluation of charter school authorizers (Second Reading)

**Date:** April 2020

**Action Requested:** ☐ Review ☐ Action/Consent ☒ Action/Discussion

**Held In:** ☐ Full Board ☒ Curriculum, Instruction and Assessment ☐ Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on proposed amendments to 701 KAR 8:020, Evaluation of charter school authorizers. This regulation is promulgated to fulfill KRS 160.1596(3), which requires the Kentucky Board of Education (KBE) to promulgate administrative regulations “to establish the process to be used to evaluate the performance of a charter school authorizer, based upon the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be taken in response to failures in performance.”

### COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends approval of 701 KAR 8:020, as amended, to alleviate hardships on school districts and local board of education members as well as to align with the KBE’s budget and policy priorities for the 2020 Regular Session of the Kentucky General Assembly.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.029(7), 156.070(5), and 160.1596.

### BACKGROUND:

#### *Existing Policy:*

KRS 160.1596(3) requires the Kentucky Board of Education (KBE) to promulgate administrative regulations “to establish the process to be used to evaluate the performance of a charter school authorizer, based upon the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be taken in response to failures in performance.” In fulfillment of this statutory requirement, this administrative regulation establishes requirements for the competence, performance, and evaluation process for charter school authorizers and, in Section 3(4), states: “The authorizer, or its designee for charter authorizing, shall participate in annual in-service training as follows:

(a) Each authorizer or member of the authorizer’s board of directors or governing board of the authorizer shall complete:

1. Twelve (12) hours of annual training for an authorizer or member with zero to eight (8) years of experience as an authorizer and eight (8) hours for an authorizer or a member with more than eight (8) years of experience as an authorizer; or
2. Competency-based annual in-service training;

(b) In-service training toward the board of education member training requirements of KRS 160.180 may also count toward this requirement, to the extent the requirements of both are met by the content of the training, and the training for this requirement shall include the following topics of authorizer responsibility and charter school formation and operation:

1. Financial governance and transparency;
2. Conflict of interest;
3. Charter application;
4. Charter school contracting;
5. Charter school monitoring;
6. Charter school renewal, nonrenewal, and revocation;
7. Charter school closure;
8. Ethics;
9. Curriculum and instruction;
10. Educational services provided for special needs, at risk, English learner, gifted, and other special population students; and
11. Physical restraint and seclusion of students; and

(c) The training shall be approved by the commissioner of education.”

*Summary of Issue:*

Proposed amendments to 701 KAR 8:020 are primarily located in Section 3(4) and amend the training requirements for charter school authorizers, which currently are the 172 local boards of education in Kentucky, to alleviate hardships on school districts and local board of education members as well as to align with the KBE’s budget and policy priorities for the 2020 Regular Session of the Kentucky General Assembly.

Specifically, between September 2019 and February 2020, 16 school districts sought waiver of 701 KAR 8:020, Section 3(4) by petitioning the KBE 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.

Additionally, at its meeting on January 17, 2020, the KBE adopted the following language as part of its 2020 legislative agenda: “The KBE supports amending regulation 701 KAR 8:020 to require training for local school board members on charter school authorization only when a local education agency receives an application to establish a charter school.”

*Budget Impact:*

The amendment of this administrative regulation has no fiscal impact on state funds. However, restructuring required charter school authorizer training within this regulation likely will reduce costs to the 172 local boards of education in Kentucky.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The Local Superintendents Advisory Council (LSAC) reviewed this regulation at its meeting on January 28, 2020. At that time, no questions or concerns regarding the contents of the regulation were shared.

The LSAC will review this regulation for a second time at its meeting on March 26, 2020. Their additional feedback will be shared with the KBE prior to the April meeting.

**CONTACT PERSON(S):**

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**Interim Commissioner of Education**

Category: <input checked="" type="checkbox"/> District Innovation	<input type="checkbox"/> Strengthening Educators	<input type="checkbox"/> Family/Community Involvement
<input type="checkbox"/> Student/Family Supports	<input type="checkbox"/> Student Interventions	<input type="checkbox"/> Coursework Completion
<input type="checkbox"/> Accountability Reporting		