

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: 701 KAR 8:020, Evaluation of Charter School Authorizers (First Reading)

Date: June 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 Interim 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 Senate Bill (SB) 158 (2020).

APPLICABLE STATUTE OR REGULATION:

KRS 156.029(7), 156.070(5), 160.1594 and 160.1596.

BACKGROUND:

Existing Policy:

KRS 160.1596(3) requires the 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 located primarily 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 SB 158 (2020), which amended KRS 160.1594 to state:

“(10) When an authorizer that is a local school board or a collaborative of local school boards receives a charter school application, any member of the board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to the effective date of this Act, the training shall in addition to the annual in-service training required under KRS 160.180, and each board shall select the trainer to deliver the training to its members. Charter authorizer training shall not be required of any local school board member until a charter application is submitted to the board or boards.”

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) will review this regulation at its meeting on May 26, 2020. Feedback received at that meeting will be shared with the KBE prior to the June meeting.

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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
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