

160.1592 Public charter schools part of state's public education system -- Exemption from laws and regulations -- School requirements -- Enrollment option information for parents -- Board of directors -- Buildings and grounds, liability insurance, and other undertakings -- Requirement to be nonsectarian and nondiscriminatory -- Authorized grade levels -- Programs and services for students with disabilities -- Participation in athletic, academic, and other programs -- Single-sex public charter schools permitted -- Amendments to charter contract -- Acceptance of credits earned and grades received in public charter school -- Leave of absence to teach in public charter school.

- (1) A public charter school shall be part of the state's system of public education but shall be exempt from all statutes and administrative regulations applicable to the state board, a local school district, or a school, except the public charter school shall adhere to the same health, safety, civil rights, and disability rights requirements as are applied to all public schools and to all requirements otherwise identified in KRS 160.1590 to 160.1599 and 161.141.
- (2) A public charter school may elect to comply with any one (1) or more provisions of any state statute or administrative regulation.
- (3) A public charter school shall:
 - (a) Be governed by a board of directors;
 - (b) Be established and operate in pursuit of a specific set of educational objectives as defined in the charter contract between the school's board of directors and its authorizer;
 - (c) Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100;
 - (d) Hire only qualified teachers to provide student instruction;
 - (e) Ensure high school course offerings meet or exceed the minimum required under KRS 156.160 for high school graduation;
 - (f) Design its education programs to meet or exceed the student performance standards adopted by the Kentucky Board of Education;
 - (g) Ensure students' participation in required state assessment of student performance, as required under KRS 158.6453;
 - (h) Adhere to all generally accepted accounting principles and adhere to the same financial audits, audit procedures, and audit requirements as are applied to other public schools under KRS 156.265;
 - (i) Utilize the same system for reporting student information data and financial data as is utilized by other school districts across the state;
 - (j) Require criminal background checks for staff and volunteers, including members of its governing board, as required of all public school employees and volunteers within the public schools specified in KRS 160.380 and 161.148;
 - (k) Comply with open records and open meeting requirements under KRS Chapter 61;
 - (l) Comply with purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480, or provide to the public charter

school board of directors a detailed monthly report of school purchases over ten thousand dollars (\$10,000), including but not limited to curriculum, furniture, and technology;

- (m) Provide instructional time that is at least equivalent to the student instructional year specified in KRS 158.070;
 - (n) Provide data to the Kentucky Department of Education and the authorizer as required by the Kentucky Department of Education or authorizer to generate a school report card under KRS 158.6453;
 - (o) Operate under the oversight of its authorizer in accordance with its charter contract and application;
 - (p) As a public body corporate, have all the powers necessary for carrying out the terms of its charter contract, including the power to:
 - 1. Receive and disburse funds for school purposes;
 - 2. Secure appropriate insurance and enter into contracts and leases;
 - 3. Contract with an education service provider, provided the board of directors of the public charter school retains oversight and authority over the school;
 - 4. Incur debt in reasonable anticipation of the receipt of public or private funds;
 - 5. Pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;
 - 6. Solicit and accept any gifts or grants for school purposes, subject to applicable laws and the terms of its charter;
 - 7. Acquire real property for use as its facility or facilities, from public or private sources; and
 - 8. Employ or contract with other entities for the provision of teaching, professional, and support staff, as needed; and
 - (q) Conduct an admissions lottery if capacity is insufficient to enroll all students who wish to attend the school and ensure that every student has a fair opportunity to be considered in the lottery and that the lottery is competently conducted, equitable, randomized, transparent, impartial, and in accordance with targeted student population and service community as identified in KRS 160.1593(3) so that students are accepted in a public charter school without regard to ethnicity, national origin, religion, sex, income level, disabling condition, proficiency in the English language, or academic or athletic ability.
- (4) For purposes of this subsection, a member of the board of directors of a public charter school shall be considered a board member under KRS 156.132 and an officer under KRS 61.040 and shall be removed from office under the provisions of those statutes.
- (5) A local school district shall provide or publicize to parents and the general public information about public charter schools authorized by the local school district as an enrollment option within the district to the same extent and through the same means that the school district provides and publicizes information about noncharter public schools in the district.

- (6) A local school district shall not assign or require any student enrolled in the local school district to attend a public charter school.
- (7)
 - (a) For purposes of ensuring compliance with this section and the charter under which it operates, a public charter school shall be administered by a public charter school board of directors accountable to the authorizer in a manner agreed to in the charter contract, as negotiated between the public charter school applicant and the authorizer.
 - (b) The board of directors of a public charter school shall consist of a minimum of two (2) parents of students attending any public charter school operating under the direction of the board of directors.
 - (c) A member of the board of directors of a public charter school shall:
 1. Not be an employee of that school or of an education service provider that provides services to the school; and
 2. File full disclosure reports and identify any potential conflicts of interest, relationships with management organizations, and relationships with family members who are applying to or are employed by the public charter school or have other business dealings with the school, the management organization of the school, or any other public charter school and shall make these documents available online through the authorizer.
- (8) Collectively, members of the board of directors shall possess expertise in leadership, curriculum and instruction, law, and finance.
- (9)
 - (a) A board of directors may hold one (1) or more charter contracts.
 - (b) Each public charter school under contract with a board of directors shall be separate and distinct from any other public charter school under contract with the board of directors.
- (10) The board of directors shall be responsible for the operation of its public charter school, including but not limited to preparation of a budget, contracting for services, school curriculum, and personnel matters.
- (11) The board of directors shall:
 - (a) Ensure that all meetings of the board are publicized in advance according to the rules governing the authorizer and are open to the public at times convenient to parents; and
 - (b) Require any education service provider contracted with the board to provide a monthly detailed budget to the board.
- (12)
 - (a) A public charter school may negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school district shall be provided by the district at cost and shall be negotiated as a separate agreement after final charter contract negotiations. The public charter school shall have standing to sue and be sued in its own name for the enforcement of any contract under color of authority granted by KRS 160.1590 to 160.1599. A public charter school may own, rent, or lease its

space.

- (b) Any entity contracted to provide educational services or goods to a public charter school in an amount exceeding ten thousand dollars (\$10,000) shall be subject to the Open Records Act under KRS Chapter 61 for all records associated with the public charter school contract.
- (13) A public charter school shall be exempt from administrative regulations governing public schools for purposes of zoning and local land use regulation. The Finance and Administration Cabinet shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a public charter school and shall provide the list to applicants for public charter schools and to existing public charter schools upon request.
 - (14) A public charter school shall be nonsectarian in its programs, admissions policies, employment practices, partnerships, and all other operations and shall not have entrance requirements or charge tuition or fees, except that a public charter school may require the payment of fees on the same basis and to the same extent as other public schools.
 - (15) A public charter school shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability, or any other ground that would be unlawful if done by a public school.
 - (16) A public charter school shall serve one (1) or more of grades kindergarten through twelve (12) and shall limit admission to students within the grade levels served.
 - (17) A public charter school shall provide programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, rules, and regulations. A public charter school shall deliver the services directly or contract with another provider to deliver the services. A public charter school shall establish an admissions and release committee at the school and the committee shall:
 - (a) Develop an individualized education program for each student with a disability; or
 - (b) Review, revise, or utilize a student's individualized education program completed by the admissions and release committee of the student's former school. If needed, the committee shall work collaboratively with staff from the student's former school to review and revise a student's existing individualized education program.
 - (18) (a) A public charter school shall be eligible to participate in state-sponsored or district-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools. Participants shall comply with eligibility requirements of students enrolled in noncharter public schools.
 - (b) A public charter school has no obligation to provide extracurricular activities or access to facilities for students enrolled in the public charter school.

- (c) If a public charter school sponsors interscholastic athletic activities, students enrolled in the public charter school shall be considered eligible to participate in interscholastic competitions by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, if other eligibility requirements are met. A student enrolled in a public charter school that sponsors an interscholastic athletic activity shall be ineligible to participate in that activity at any other school.
 - (d) If a public charter school does not offer any interscholastic athletic activity sanctioned by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, a student enrolled in the public charter school shall be eligible to participate at the school the student would attend based on the student's residence.
 - (e) If a public charter school offers any interscholastic athletic activity sanctioned by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, a student enrolled in the public charter school shall be ineligible to participate in any interscholastic athletic activity at any other school.
- (19) Nothing in this section shall be construed to prevent the establishment of a single-sex public charter school consistent with federal regulations or a public charter school designed to provide expanded learning opportunities for students at risk of academic failure or for students with special needs.
- (20) The authorizer of a public charter school shall semiannually consider for approval a public charter school's proposed amendments to a charter contract. The authorizer may consider requests for amendments more frequently upon mutual agreement between the authorizer and the public charter school. The denial of an amendment request is appealable pursuant to KRS 160.1595.
- (21) If a student who was previously enrolled in a public charter school enrolls in another public school located within the state, the new school shall accept any credits earned and grades received by the student in courses or instructional programs while enrolled in the public charter school in a uniform and consistent manner and according to the same criteria that are used to accept credits from other public schools.
- (22) A teacher employed by a local board of education under a continuing service contract and offered employment with a public charter school shall be granted a two (2) year leave of absence to teach in a public charter school. The leave of absence shall commence on the first day of service to the public charter school. During the first or second year of the leave of absence, the teacher may notify the local board of education that the teacher intends to return to a teaching position in the local school district. The teacher shall be allowed to return to a teaching position in the local school district at the appropriate salary for the teacher's years of experience and educational level. After two (2) years on leave, the relationship between the teacher and the local board of education shall be determined by the local board and the local board shall notify the teacher of the decision.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 102, sec. 3, effective June 29, 2017.