

**160.1594 Public charter school authorizer -- Duties -- Application reviews and decisions -- Criteria for approval -- Explanation of decision -- Final approval by commissioner of education.**

- (1) A public charter school authorizer shall:
  - (a) Fulfill the expectations and intent of this section and KRS 160.1590 to 160.1599 and 161.141;
  - (b) Demonstrate public accountability and transparency in all matters concerning its charter-authorizing practices, decisions, and expenditures;
  - (c) Solicit, invite, and evaluate applications from applicants;
  - (d) Approve new and renewal charter applications that meet the requirements of this section and KRS 160.1593;
  - (e) Decline to approve charter applications that:
    1. Fail to meet the requirements of this section and KRS 160.1593; or
    2. Are for a school that would be wholly or partly under the control or direction of any religious denomination;
  - (f) Negotiate and execute in good faith a charter contract with each public charter school it authorizes;
  - (g) Monitor the performance and compliance of public charter schools according to the terms of the charter contract;
  - (h) Determine whether each charter contract it authorizes merits renewal or revocation; and
  - (i) Establish and maintain 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.
- (2) In reviewing applications, the public charter school authorizer is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to:
  - (a) Students identified by the applicants as at risk of academic failure; and
  - (b) Students with special needs as identified in their individualized education program as defined in KRS 158.281.
- (3) After a charter applicant submits a written application to establish a public charter school, the authorizer shall:
  - (a) Complete a thorough review process;
  - (b) Conduct an in-person interview with the applicant group;
  - (c) Provide an opportunity in a public forum for local residents to provide input and learn about the charter application;
  - (d) Provide a detailed analysis of the application to the applicant or applicants;

- (e) Allow an applicant a reasonable time to provide additional materials and amendments to its application to address any identified deficiencies; and
  - (f) Approve or deny a charter application based on established objective criteria or request additional information.
- (4) In deciding to approve a charter application, the authorizer shall:
- (a) Grant charters only to applicants that possess competence in all elements of the application requirements identified in this section and KRS 160.1593;
  - (b) Base decisions on documented evidence collected through the application review process; and
  - (c) Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest.
- (5) No later than sixty (60) days following the filing of the charter application, the authorizer shall approve or deny the charter application. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer's board of directors.
- (6) Any failure to act on a charter application shall be deemed a denial by the authorizer.
- (7) An application shall be approved if the public charter school authorizer finds that:
- (a) The public charter school described in the application meets the requirements established by this section and KRS 160.1590 and 160.1592;
  - (b) The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and
  - (c) Approving the application is likely to improve student learning and achievement and further the purposes established by KRS 160.1591.
- (8) An authorizer shall provide a written explanation within five (5) days, for the public record, stating its reasons for approval or denial of a charter application, including a thorough explanation of how the charter application either meets or fails to meet established objective criteria for making charter application decisions, and the authorizing process which the authorizer used to review, evaluate, and make its final decision.
- (9) An authorizer's charter application approval shall be submitted to the Kentucky Department of Education for final approval by the commissioner of education.

**Effective:** June 29, 2017

**History:** Created 2017 Ky. Acts ch. 102, sec. 5, effective June 29, 2017.