

**160.1596 Board of directors of public charter schools -- Required elements of charter contract with authorizer -- Administrative regulations -- Application for federal funds -- Annual report by authorizer.**

- (1) (a) For purposes of this section, a member of the board of directors of a public charter school shall be considered an officer under KRS 61.040 and shall, within sixty (60) days of final approval of an application, take an oath of office as required under KRS 62.010.
- (b) Within seventy-five (75) days of the final approval of an application, the board of directors and the authorizer shall enter into a binding charter contract that establishes the academic and operational performance expectations and measures by which the public charter school will be evaluated.
- (c) The executed charter contract shall become the final authorization for the public charter school. The charter contract shall include:
  1. The term of the contract;
  2. The agreements relating to each item required under KRS 160.1592(3) and 160.1593(3), as modified or supplemented during the approval process;
  3. The rights and duties of each party;
  4. The administrative relationship between the authorizer and the public charter school;
  5. The allocation of state, local, and federal funds, and the schedule to disburse funds to the public charter school by the authorizer;
  6. The process the authorizer will use to provide ongoing oversight, including a process to conduct annual site visits;
  7. The specific commitments of the public charter school authorizer relating to its obligations to oversee, monitor the progress of, and supervise the public charter school;
  8. The process and criteria the authorizer will use to annually monitor and evaluate the overall academic, operating, and fiscal conditions of the public charter school, including the process the authorizer will use to oversee the correction of any deficiencies found in the annual review;
  9. The process for revision or amendment to the terms of the charter contract agreed to by the authorizer and the board of directors of the public charter school;
  10. The process agreed to by the authorizer and the board of directors of the public charter school that identifies how disputes between the authorizer and the board will be handled; and
  11. Any other terms and conditions agreed to by the authorizer and the board of directors, including pre-opening conditions. Reasonable conditions shall not include enrollment caps or operational requirements that place undue constraints on a public charter school or are contradictory to the provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions, even when incorporated in a charter

- contract, shall be considered unilaterally imposed conditions.
- (d) 1. The performance provisions within a charter contract shall be based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics to be used by the authorizer to evaluate each public charter school. The performance framework shall include at a minimum indicators, measures, and metrics for:
    - a. Student academic proficiency;
    - b. Student academic growth;
    - c. Achievement gaps in both student proficiency and student growth between student subgroups, including race, sex, socioeconomic status, and areas of exceptionality;
    - d. Student attendance;
    - e. Student suspensions;
    - f. Student withdrawals;
    - g. Student exits;
    - h. Recurrent enrollment from year to year;
    - i. College or career readiness at the end of grade twelve (12);
    - j. Financial performance and sustainability; and
    - k. Board of directors' performance and stewardship, including compliance with all applicable statutes, administrative regulations, and terms of the charter contract.
  - 2. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance. The proposed indicators shall be consistent with the purposes of KRS 160.1590 to 160.1599 and 161.141 and shall be negotiated with the authorizer.
  - 3. The performance framework shall require the disaggregation of student performance data by subgroups, including race, sex, socioeconomic status, and areas of exceptionality.
  - 4. The authorizer shall be responsible for collecting, analyzing, and reporting to the state board all state-required assessment and achievement data for each public charter school it oversees.
- (e) Annual student achievement performance targets shall be set, in accordance with the state accountability system, by each public charter school in conjunction with its authorizer, and those measures shall be designed to help each school meet applicable federal, state, and authorizer goals.
  - (f) The charter contract shall be signed by the chair of the governing board of the authorizer and the chair of the board of directors of the public charter school. An approved charter application shall not serve as a charter contract for the public charter school.
  - (g) No public charter school may commence operations without a charter

contract executed according to this section and approved in an open meeting of the governing board of the authorizer.

- (2) Within five (5) days after entering into a charter contract, a copy of the executed contract shall be submitted by the authorizer to the commissioner of education.
- (3) The state board shall 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.
- (4) The commissioner of education shall apply for financial assistance through the federal government for the planning, program design, and initial implementation of public charter schools in the state within sixty (60) days after June 29, 2017, or at the first available grant application period. Federal grants include but are not limited to the Charter Schools Program administered by the United States Department of Education.
- (5) By August 31, 2019, and annually thereafter, each public charter school authorizer shall submit to the commissioner of education, the secretary of the Education and Workforce Development Cabinet, and the Interim Joint Committee on Education a report to include:
  - (a) The names of each public charter school operating under contract with the authorizer during the previous academic year that:
    1. Closed during or after the academic year; or
    2. Had the contract nonrenewed or revoked;
  - (b) The names of each public charter school operating under contract with the authorizer during the previous academic year that have not yet begun to operate;
  - (c) The number of applications received, the number reviewed, and the number approved;
  - (d) A summary of the academic and financial performance of each public charter school operated under contract with the authorizer during the previous academic year; and
  - (e) The authorizing duties and functions performed by the authorizer during the previous academic year.

**Effective:** June 29, 2017

**History:** Created 2017 Ky. Acts ch. 102, sec. 7, effective June 29, 2017.