

**160.1593 Application to establish public charter school -- Submission to authorizer and state board -- Required application information.**

- (1) An application to establish a public charter school may be submitted to a public charter school authorizer by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof.
- (2) An applicant shall submit an application for approval of a public charter school to an authorizer and shall also submit a written notification of the application simultaneously to the state board as a record of the filing. Charter authorizers shall accept and document the date and time of receipt of all charter applications.
- (3) The information provided in the application shall be consistent with this section and shall include:
  - (a) A mission statement and a vision statement for the public charter school, including the targeted student population and the community the school hopes to serve, and shall outline how the public charter school will establish resident and nonresident enrollment policies which shall be subject to the same limitations as a school district;
  - (b) A description of the school's proposed academic program that is aligned with state standards, and that implements one (1) or more of the purposes described in KRS 160.1591, and the instructional methods that will support the implementation and success of the program;
  - (c)
    1. The student achievement goals for the public charter school's educational program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals; and
    2. An explanation of how the school's proposed educational program is likely to improve the achievement of traditionally underperforming students, serve the needs of students with individualized education programs, or provide students with career readiness education opportunities;
  - (d) The school's plan for using external, internal, and state-required assessments to measure student progress on the performance framework as identified in KRS 160.1596, and how the school will use data to drive instruction and continued school improvement;
  - (e) The proposed governance structure of the school, including a list of members of the initial board of directors, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of directors, and the organizational structure of the school that clearly presents lines of authority and reporting between the board of directors, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;
  - (f)
    1. Plans and timelines for student recruitment and enrollment, including policies and procedures for conducting transparent and random

admission lotteries that are open to the public, and that are consistent with KRS 160.1591 and 160.1592;

2. An application shall demonstrate a plan to recruit at least one hundred (100) students, unless the application is focused on serving special needs or at-risk students or students seeking career readiness education; and
  3. If the application is for a public charter school located in a district with total student enrollment of seven thousand five hundred (7,500) or less, then the application shall include a memorandum of understanding with the district of location endorsing the application. However, if the application is for an urban academy located within a county where the total enrollment of all independent school districts is greater than seven thousand five hundred (7,500), then this subparagraph shall not apply;
- (g) A proposed five (5) year budget, including the start-up year and projections for four (4) additional years with clearly stated assumptions;
  - (h) Draft fiscal and internal control policies for the public charter school;
  - (i) Requirements and procedures for programmatic audits and assessments at least once annually, with audits and assessments being comparable in scope to those required of noncharter public schools;
  - (j) A draft handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;
  - (k) A draft of the policies and procedures by which students may be disciplined, including students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;
  - (l) A description of the facilities to be used by the public charter school, including the location of the school, if known, and how the facility supports the implementation of the school's academic program. If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant shall notify the authorizer within ten (10) business days of acquiring facilities for the school. The school shall obtain certification of occupancy for the facilities at least thirty (30) days prior to the first student instructional day;
  - (m) The proposed ages and grade levels to be served by the public charter school, including the planned, minimum, and maximum enrollment per grade per year;
  - (n) The school calendar and school day schedule, which shall total at least the equivalent to the student instructional year specified in KRS 158.070;
  - (o) Types and amounts of insurance coverage to be obtained by the public charter school, which shall include adequate insurance for liability, property loss, and the personal injury of students comparable to other schools within the local

- school district operated by the local school board;
- (p) A description of the health and food services to be provided to students attending the school;
  - (q) Procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the district of location or to another charter school located within the local school district and an assurance and agreement to payment of net assets or equity, after payment of debts as specified in KRS 160.1598;
  - (r) A code of ethics for the school setting forth the standards of conduct expected of its board of directors, officers, and employees;
  - (s) Plans for recruiting and developing staff;
  - (t) A staffing chart for the school's first year and a staffing chart for the term of the charter;
  - (u) A plan for parental and community involvement in the school, including the role of parents in the administration and governance of the school;
  - (v) The public charter school's plan for identifying and successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including but not limited to the school's plan for compliance with all applicable federal and state laws and regulations;
  - (w) A description of cocurricular and extracurricular programs and how they will be funded and delivered;
  - (x) The process by which the school will resolve any disputes with the authorizer; and
  - (y) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan.
- (4) If the public charter school applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to:
- (a) Provide evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;
  - (b) Provide student performance data and financial audit reports for all current and past public charter schools;
  - (c) Provide documentation of and explanation for any actions taken against any of its public charter schools for academic, financial, or ethical concerns;
  - (d) Provide evidence of current capacity for growth;
  - (e) Provide a term sheet setting forth:
    1. The proposed duration of the service contract;
    2. The annual proposed fees to be paid to the education service provider;
    3. The roles and responsibilities of the board of directors, the school staff,

- and the education service provider;
4. The scope of services and resources to be provided by the education service provider;
  5. Performance evaluation measures and timelines;
  6. Compensation structure, including clear identification of all fees to be paid to the education service provider;
  7. Methods of contract oversight and enforcement;
  8. Investment disclosure; and
  9. Conditions for renewal and termination of the contract; and
- (f) Disclose and explain any existing or potential conflicts of interest between the board of directors and the proposed education service provider or any affiliated business entities.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 213, sec. 4, effective July 14, 2022. -- Created 2017 Ky. Acts ch. 102, sec. 4, effective June 29, 2017.