

**160.1595 Request for technical assistance -- Appeal of approval or denial to state board -- Judicial review -- Joint oversight.**

- (1) Any applicant or board of directors of a public charter school may request technical assistance from the Kentucky Department of Education to address deficiencies identified by an authorizer. The department shall respond within thirty (30) days of the request.
- (2)
  - (a) The state board, upon receipt of a notice of appeal, shall review decisions of any other authorizer concerning the approval or denial of a public charter school application, the nonrenewal or revocation of a public charter school's contract, the denial of a public charter school's request to consider a charter amendment, or the unilateral imposition of conditions in the charter contract, in accordance with the provisions of this section.
  - (b) A charter applicant or approved public charter school who wishes to appeal a decision of an authorizer concerning a charter application, a charter amendment, or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, shall provide the state board and the authorizer with a notice of appeal within thirty (30) days after the authorizer's decision. The appellant shall limit the grounds of the appeal to the grounds for the denial of or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, whichever is being appealed, specified by the authorizer. The notice shall include a brief statement of the reasons the public charter school applicant or public charter school contends the authorizer's denial of or nonrenewal or revocation of a charter, or imposition of conditions was in error.
  - (c) If the notice of appeal relates to an authorizer's decision to deny, refuse to renew, or revoke a charter or to an authorizer's unilateral imposition of conditions that are unacceptable to the charter applicant or public charter school, the appeal and review process shall be as follows:
    1. Within forty-five (45) days after receipt of the notice of appeal and after reasonable public notice, the state board, at a public hearing which may be held in the school district in which the proposed public charter school has applied for a charter or where the public charter school exists, shall review the decision of the authorizer and make its findings;
    2. The state board shall determine:
      - a. If the final decision of the authorizer was contrary to the best interest of the students or community; and
      - b. If the application failed to satisfy the requirements of KRS 160.1593(3) and (4);
    3. If the state board finds that the authorizer's decision was contrary to the best interest of the students or community and the application satisfies the statutory requirements, the state board shall remand such final decision to the authorizer with instructions to approve the charter application or amendment, or to renew or reinstate the charter, or to

approve or disapprove conditions imposed. The decision of the state board shall be a final action subject to judicial review in the Circuit Court encompassing the school district in which the public charter school is located; and

4. Charters granted to applicants by authorizers after a successful appeal to the state board, as outlined in subparagraph 3. of this paragraph, shall be provided joint oversight by the authorizer and the state board for, at a minimum, the first five (5) years of the school's operation, and until the authorizer, state board, and public charter school agree that charter oversight may be provided solely by the authorizer. The state board shall be a formal participant in all authorizing decision making concerning the public charter school during that period, and shall be included in all communication between the public charter school and the authorizer.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 213, sec. 6, effective July 14, 2022; and ch. 236, sec 75, effective July 1, 2022. -- Created 2017 Ky. Acts ch. 102, sec. 6, effective June 29, 2017.

**Legislative Research Commission Note (7/14/2022).** This statute was amended by 2022 Ky. Acts chs. 213 and 236. Ch. 236 combined the Education and Workforce Development Cabinet and Labor Cabinet and amended all applicable statutes to remove each and every existing reference to either of those cabinets and insert the name of the successor agency, "Education and Labor Cabinet," in its place. One such replacement was made in this section, but the amendment of this section in ch. 213 removed the cabinet reference in its entirety, making the name update unnecessary.