

1 AN ACT relating to public charter school authorizer training.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.1596 is amended to read as follows:

- 4 (1) (a) For purposes of this section, a member of the board of directors of a public
5 charter school shall be considered an officer under KRS 61.040 and shall,
6 within sixty (60) days of final approval of an application, take an oath of
7 office as required under KRS 62.010.
- 8 (b) Within seventy-five (75) days of the final approval of an application, the
9 board of directors and the authorizer shall enter into a binding charter contract
10 that establishes the academic and operational performance expectations and
11 measures by which the public charter school will be evaluated.
- 12 (c) The executed charter contract shall become the final authorization for the
13 public charter school. The charter contract shall include:
- 14 1. The term of the contract;
 - 15 2. The agreements relating to each item required under KRS 160.1592(3)
16 and 160.1593(3), as modified or supplemented during the approval
17 process;
 - 18 3. The rights and duties of each party;
 - 19 4. The administrative relationship between the authorizer and the public
20 charter school;
 - 21 5. The allocation of state, local, and federal funds, and the schedule to
22 disburse funds to the public charter school by the authorizer;
 - 23 6. The process the authorizer will use to provide ongoing oversight,
24 including a process to conduct annual site visits;
 - 25 7. The specific commitments of the public charter school authorizer
26 relating to its obligations to oversee, monitor the progress of, and
27 supervise the public charter school;

- 1 8. The process and criteria the authorizer will use to annually monitor and
2 evaluate the overall academic, operating, and fiscal conditions of the
3 public charter school, including the process the authorizer will use to
4 oversee the correction of any deficiencies found in the annual review;
- 5 9. The process for revision or amendment to the terms of the charter
6 contract agreed to by the authorizer and the board of directors of the
7 public charter school;
- 8 10. The process agreed to by the authorizer and the board of directors of the
9 public charter school that identifies how disputes between the authorizer
10 and the board will be handled; and
- 11 11. Any other terms and conditions agreed to by the authorizer and the board
12 of directors, including pre-opening conditions. Reasonable conditions
13 shall not include enrollment caps or operational requirements that place
14 undue constraints on a public charter school or are contradictory to the
15 provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions,
16 even when incorporated in a charter contract, shall be considered
17 unilaterally imposed conditions.
- 18 (d) 1. The performance provisions within a charter contract shall be based on a
19 performance framework that sets forth the academic and operational
20 performance indicators, measures, and metrics to be used by the
21 authorizer to evaluate each public charter school. The performance
22 framework shall include at a minimum indicators, measures, and metrics
23 for:
- 24 a. Student academic proficiency;
- 25 b. Student academic growth;
- 26 c. Achievement gaps in both student proficiency and student growth
27 between student subgroups, including race, sex, socioeconomic

- 1 status, and areas of exceptionality;
- 2 d. Student attendance;
- 3 e. Student suspensions;
- 4 f. Student withdrawals;
- 5 g. Student exits;
- 6 h. Recurrent enrollment from year to year;
- 7 i. College or career readiness at the end of grade twelve (12);
- 8 j. Financial performance and sustainability; and
- 9 k. Board of directors' performance and stewardship, including
- 10 compliance with all applicable statutes, administrative regulations,
- 11 and terms of the charter contract.
- 12 2. The performance framework shall allow the inclusion of additional
- 13 rigorous, valid, and reliable indicators proposed by a public charter
- 14 school to augment external evaluations of its performance. The proposed
- 15 indicators shall be consistent with the purposes of KRS 160.1590 to
- 16 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 17 3. The performance framework shall require the disaggregation of student
- 18 performance data by subgroups, including race, sex, socioeconomic
- 19 status, and areas of exceptionality.
- 20 4. The authorizer shall be responsible for collecting, analyzing, and
- 21 reporting to the state board all state-required assessment and
- 22 achievement data for each public charter school it oversees.
- 23 (e) Annual student achievement performance targets shall be set, in accordance
- 24 with the state accountability system, by each public charter school in
- 25 conjunction with its authorizer, and those measures shall be designed to help
- 26 each school meet applicable federal, state, and authorizer goals.
- 27 (f) The charter contract shall be signed by the chair of the governing board of the

1 authorizer and the chair of the board of directors of the public charter school.

2 An approved charter application shall not serve as a charter contract for the
3 public charter school.

4 (g) No public charter school may commence operations without a charter contract
5 executed according to this section and approved in an open meeting of the
6 governing board of the authorizer.

7 (2) Within five (5) days after entering into a charter contract, a copy of the executed
8 contract shall be submitted by the authorizer to the commissioner of education.

9 (3) The state board shall promulgate administrative regulations to establish the process
10 to be used to evaluate the performance of a charter school authorizer, based upon
11 the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be
12 taken in response to failures in performance. **However, no administrative**
13 **regulation shall require training of an authorizer until receipt by an authorizer of**
14 **a charter application. Training may be required and conducted during the sixty**
15 **(60) day application review period under KRS 160.1594.**

16 (4) The commissioner of education shall apply for financial assistance through the
17 federal government for the planning, program design, and initial implementation of
18 public charter schools in the state within sixty (60) days after June 29, 2017, or at
19 the first available grant application period. Federal grants include but are not limited
20 to the Charter Schools Program administered by the United States Department of
21 Education.

22 (5) By August 31, 2019, and annually thereafter, each public charter school authorizer
23 shall submit to the commissioner of education, the secretary of the Education and
24 Workforce Development Cabinet, and the Interim Joint Committee on Education a
25 report to include:

26 (a) The names of each public charter school operating under contract with the
27 authorizer during the previous academic year that:

- 1 1. Closed during or after the academic year; or
2 2. Had the contract nonrenewed or revoked;
- 3 (b) The names of each public charter school operating under contract with the
4 authorizer during the previous academic year that have not yet begun to
5 operate;
- 6 (c) The number of applications received, the number reviewed, and the number
7 approved;
- 8 (d) A summary of the academic and financial performance of each public charter
9 school operated under contract with the authorizer during the previous
10 academic year; and
- 11 (e) The authorizing duties and functions performed by the authorizer during the
12 previous academic year.

13 ➔Section 2. Whereas local boards of education provide valuable leadership to
14 school districts that requires undivided attention without the distraction of regulatory
15 trainings, an emergency is declared to exist, and this Act takes effect upon its passage and
16 approval by the Governor or upon its otherwise becoming a law.