

1 AN ACT relating to public charter schools.

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

3 ➔Section 1. KRS 160.1590 is amended to read as follows:

4 As used in KRS 160.1590 to 160.1599:

- 5 (1) "Achievement gap" means the difference between performance goals and actual
6 performance on state standardized examinations and other academic performance
7 measures for subgroups of students, especially groups defined by socioeconomic
8 status, race, and ethnicity;
- 9 (2) "Applicant" means an eligible person or persons, organization, or entity that seeks
10 approval from a charter school authorizer to establish a public charter school;
- 11 (3) "Charter application" means a proposal from an applicant to an authorizer to enter
12 into a charter contract whereby the proposed school obtains public charter school
13 status;
- 14 (4) "Charter contract" or "contract" means a fixed-term, renewable contract between a
15 charter school and an authorizer that identifies the roles, powers, responsibilities,
16 and performance expectations for each party to the contract pursuant to KRS
17 160.1596;
- 18 (5) "Charter school board of directors" means the independent board of a public charter
19 school that is party to the charter contract with the authorizer and whose members
20 have been elected or selected pursuant to the school's application;
- 21 (6) "Conversion public charter school" means a public charter school that existed as a
22 noncharter public school prior to becoming a public charter school;
- 23 (7) "District of location" means the public school district in which a public charter
24 school is physically located;
- 25 (8) "Education service provider" means **a nonprofit entity that is** an education
26 management organization, school design provider, or any other partner entity with
27 which a public charter school contracts for educational design, implementation, or

- 1 comprehensive management;
- 2 (9) "Local school board" or "local board" means a school board exercising management
3 and control of a local school district;
- 4 (10) "Local school district" means a county or independent school district as identified
5 in KRS 160.010 and 160.020;
- 6 (11) "Parent" means a parent, guardian, or other person or entity having legal custody of
7 a child;
- 8 (12) "Proportionate per pupil basis" means multiplying an amount of funds by a fraction,
9 with the numerator being the average daily attendance of the public charter school,
10 and the denominator being the average daily attendance of the school district of
11 location;
- 12 (13) "Proportionate per pupil transported basis" means multiplying an amount of funds
13 by a fraction, with the numerator being the aggregate daily attendance of students
14 transported by a public charter school, and the denominator being the aggregate
15 daily attendance of students transported by the school district of location;
- 16 (14) "Public charter school" means a public school that:
- 17 (a) Is a public body corporate and politic, exercising public power, including the
18 power in name to contract and be contracted with, sue and be sued, and adopt
19 bylaws not inconsistent with this section;
- 20 (b) Has autonomy over decisions, including but not limited to matters concerning
21 finance, personnel, scheduling, curriculum, and instruction;
- 22 (c) Is governed by an independent board of directors;
- 23 (d) Is established and operating under the terms of a charter contract between the
24 public charter school's board of directors and its authorizer;
- 25 (e) Is a public school to which parents choose to send their children;
- 26 (f) Is a public school that admits students on the basis of a random and open
27 lottery if more students apply for admission than can be accommodated, and

1 *after that lottery concludes, establishes a wait list for students not accepted*
2 *to allow for entry throughout the school year when vacancies occur;*

- 3 (g) Offers a comprehensive instructional program to enrolled students;
4 (h) Operates in pursuit of a specific set of educational objectives as defined in its
5 charter contract; and
6 (i) Operates under the oversight of its authorizer in accordance with its charter
7 contract;

8 (15) "Public charter school authorizer" or "authorizer" means an entity or body that
9 reviews, approves, or denies charter applications, enters into charter contracts with
10 applicants, oversees public charter schools, and renews, does not renew, or revokes
11 charter contracts. Authorizers shall include:

- 12 (a) A local school board of a local school district, which shall only have authority
13 to approve charter applications within the boundaries of its district;
14 (b) A collaborative among local school boards that forms to set up a regional
15 public charter school to be located within the area managed and controlled by
16 those local school boards;
17 (c) The mayor of a consolidated local government, who shall be considered an
18 authorizer governing board for the purposes of KRS 160.1590 to 160.1599
19 and who may only authorize public charter schools to be physically located
20 within the county in which the city is located and who has submitted a written
21 notice to the state board that he or she intends to serve as an authorizer.

22 *However, any public charter school contract entered into by a mayor under*
23 *this paragraph may be terminated by a different person who is subsequently*
24 *elected mayor;* and

- 25 (d) The chief executive officer of an urban-county government, who shall be
26 considered an authorizer governing board for the purposes of KRS 160.1590
27 to 160.1599 and who may only authorize public charter schools to be

1 physically located within the county in which the city is located and who has
2 submitted a written notice to the state board that he or she intends to serve as
3 an authorizer. However, any public charter school contract entered into by a
4 chief executive officer under this paragraph may be terminated by a
5 different chief executive officer who is subsequently elected chief executive
6 officer;

- 7 (16) "Qualified teacher" means a person certified by the Education Professional
8 Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;
- 9 (17) "State board" means the Kentucky Board of Education;
- 10 (18) "Student" means any child who is eligible for attendance in a public school in
11 Kentucky;
- 12 (19) "Urban academy" means a public charter school that includes an enrollment
13 preference for students who live in close proximity to the school as defined in the
14 charter contract; and
- 15 (20) "Virtual public charter school" means a public charter school that offers educational
16 services primarily or completely through an online program.

17 ➔Section 2. KRS 160.1591 is amended to read as follows:

- 18 (1) The General Assembly hereby finds and declares that:
- 19 (a) Reducing achievement gaps in Kentucky is necessary for the state to realize
20 its workforce and economic development potential;
- 21 (b) Past and current measures have been insufficient for making progress toward
22 reducing the state's achievement gaps;
- 23 (c) Additional public school options are necessary to help reduce socioeconomic,
24 racial, and ethnic achievement gaps; and
- 25 (d) The demand exists for high-quality public charter schools in the
26 Commonwealth.
- 27 (2) The General Assembly hereby establishes a public charter school project to benefit

1 parents, teachers, and community members by creating new, innovative, and more
2 flexible ways of educating all children within the public school system and by
3 advancing a renewed commitment to the mission, goals, and diversity of public
4 education. The purposes of the public charter school initiative are to:

- 5 (a) Improve student learning outcomes by creating additional high-performing
6 schools with high standards for student performance;
- 7 (b) Encourage the use of different, high-quality models of teaching, governing,
8 scheduling, or other aspects of schooling that meet a variety of student needs;
- 9 (c) Close achievement gaps for low-performing groups of public school students;
- 10 (d) Allow schools freedom and flexibility in exchange for exceptional levels of
11 results-driven accountability;
- 12 (e) Increase high-quality educational opportunities within the public education
13 system for all students, especially those at risk of academic failure; and
- 14 (f) Provide students, parents, community members, and local entities with
15 expanded opportunities for involvement in the public education system.

16 (3) Beginning in academic year 2022-2023, any authorizer may authorize ~~an unlimited~~
17 ~~number of~~ public charter schools. **However, no more than five (5) public charter**
18 **schools shall be in operation statewide at any time unless a waiver is granted by**
19 **an act of the General Assembly.**

20 (4) A public charter school shall not be a virtual public charter school.

21 (5) (a) Enrollment preference for a conversion public charter school shall be given to
22 students who attended the school the previous school year. If the number of
23 students enrolled does not exceed the capacity of the school, secondary
24 preference shall be given to students who reside within the district boundary
25 in which the public charter school is located.

26 (b) Enrollment preference for public charter schools shall be given to students
27 enrolled in the public charter school the previous year and to siblings of

1 students already enrolled in the school. The enrollment preference for
2 returning students shall exclude those students from entering into a lottery, as
3 identified in paragraph (f) of this subsection.

4 (c) Enrollment preference for public charter schools identified as an urban
5 academy in the charter contract shall be given to students who live in close
6 proximity to the school, as governed by the charter contract.

7 (d) Enrollment preference may be given to the children of the public charter
8 school's board of directors and full-time employees of the public charter
9 school provided they constitute no more than ten percent (10%) of the total
10 student population.

11 (e) A public charter school may allow an enrollment preference for students who
12 meet federal eligibility requirements for free or reduced-price meals and
13 students who attend persistently low-achieving noncharter public schools.

14 (f) If capacity is insufficient to enroll all students who wish to attend any specific
15 grade level or program at a public charter school, the school shall select
16 students through a randomized and transparent lottery. The lottery process
17 may allow for siblings in a lottery or different lotteries to be admitted
18 together.

19 **(g) Once the lottery process has been completed, the public charter school shall**
20 **establish a wait list for students not accepted to allow for entry throughout**
21 **the school year when vacancies occur.**

22 (6) Consistent with the requirements of KRS 160.1590 to 160.1599 and 161.141, the
23 state board shall promulgate administrative regulations to guide student application,
24 lottery, and enrollment in public charter schools.

25 **(7) A public charter school, including its board of directors, officers, and employees,**
26 **shall not offer any financial incentive to induce a student to enroll or apply to**
27 **enroll in the public charter school.**

1 ➔Section 3. KRS 160.1592 is amended to read as follows:

- 2 (1) A public charter school shall be part of the state's system of public education but
3 shall be exempt from all statutes and administrative regulations applicable to the
4 state board, a local school district, or a school, except the public charter school shall
5 adhere to the same health, safety, civil rights, and disability rights requirements as
6 are applied to all public schools and to all requirements otherwise identified in KRS
7 160.1590 to 160.1599 and 161.141.
- 8 (2) A public charter school may elect to comply with any one (1) or more provisions of
9 any state statute or administrative regulation.
- 10 (3) A public charter school shall:
- 11 (a) Be governed by a board of directors;
- 12 (b) Be established and operate in pursuit of a specific set of educational
13 objectives as defined in the charter contract between the school's board of
14 directors and its authorizer;
- 15 (c) Ensure students meet compulsory attendance requirements under KRS
16 158.030 and 158.100 and record student enrollment and attendance in a
17 manner necessary for participation in the fund to support education excellence
18 in Kentucky;
- 19 (d) Hire only qualified teachers to provide student instruction;
- 20 (e) Ensure high school course offerings meet or exceed the minimum required
21 under KRS 156.160 for high school graduation;
- 22 (f) Design its education programs to meet or exceed the student performance
23 standards adopted by the Kentucky Board of Education;
- 24 (g) Ensure students' participation in required state assessment of student
25 performance, as required under KRS 158.6453;
- 26 (h) Adhere to all generally accepted accounting principles and adhere to the same
27 financial audits, audit procedures, and audit requirements as are applied to

- 1 other public schools under KRS 156.265;
- 2 (i) Utilize the same system for reporting student information data and financial
3 data as is utilized by other school districts across the state;
- 4 (j) Require criminal background checks for staff and volunteers, including
5 members of its governing board, as required of all public school employees
6 and volunteers within the public schools specified in KRS 160.380 and
7 161.148;
- 8 (k) Comply with open records and open meeting requirements under KRS
9 Chapter 61;
- 10 (l) Comply with purchasing requirements and limitations under KRS Chapter
11 45A and KRS 156.074 and 156.480, or provide to the public charter school
12 board of directors a detailed monthly report of school purchases over ten
13 thousand dollars (\$10,000), including but not limited to curriculum, furniture,
14 and technology;
- 15 (m) Provide instructional time that is at least equivalent to the student instructional
16 year specified in KRS 158.070;
- 17 (n) Provide data to the Kentucky Department of Education and the authorizer as
18 required by the Kentucky Department of Education or authorizer to generate a
19 school report card under KRS 158.6453;
- 20 (o) Operate under the oversight of its authorizer in accordance with its charter
21 contract and application;
- 22 (p) As a public body corporate, have all the powers necessary for carrying out the
23 terms of its charter contract, including the power to:
- 24 1. Receive and disburse funds for school purposes;
- 25 2. Secure appropriate insurance and enter into contracts and leases;
- 26 3. Contract with an education service provider, provided the board of
27 directors of the public charter school retains oversight and authority over

1 the school. No public charter school shall enter into a contract with a
2 for-profit organization for educational design, implementation, or
3 comprehensive management;

- 4 4. Incur debt in reasonable anticipation of the receipt of public or private
5 funds;
- 6 5. Pledge, assign, or encumber its assets to be used as collateral for loans
7 or extensions of credit;
- 8 6. Solicit and accept any gifts or grants for school purposes, subject to
9 applicable laws and the terms of its charter;
- 10 7. Acquire real property for use as its facility or facilities, from public or
11 private sources; and
- 12 8. Employ or contract with other entities for the provision of teaching,
13 professional, and support staff, as needed;

14 (q) Conduct an admissions lottery if capacity is insufficient to enroll all students
15 who wish to attend the school and ensure that every student has a fair
16 opportunity to be considered in the lottery and that the lottery is competently
17 conducted, equitable, randomized, transparent, impartial, and in accordance
18 with targeted student population and service community as identified in KRS
19 160.1593(3) so that students are accepted in a public charter school without
20 regard to ethnicity, national origin, religion, sex, income level, disabling
21 condition, proficiency in the English language, or academic or athletic ability;
22 ~~and~~

23 (r) Establish a food program for students that, at a minimum, provides free and
24 reduced-price meals to students identified as qualifying for such meals under
25 federal guidelines for the National School Lunch Program;

26 (s) Not charge any fines or fees of students that are different from those
27 typically charged by other public schools; and

1 **(t) Establish a wait list for students not accepted through the lottery process to**
2 **allow for entry throughout the school year when vacancies occur.**

3 (4) For purposes of this subsection, a member of the board of directors of a public
4 charter school shall be considered an officer under KRS 61.040 and shall be
5 removed from office under the statute's provisions.

6 (5) A local school district shall provide or publicize to parents and the general public
7 information about public charter schools authorized by the local school district as
8 an enrollment option within the district to the same extent and through the same
9 means that the school district provides and publicizes information about noncharter
10 public schools in the district.

11 (6) A local school district shall not assign or require any student enrolled in the local
12 school district to attend a public charter school.

13 (7) (a) For purposes of ensuring compliance with this section and the charter under
14 which it operates, a public charter school shall be administered by a public
15 charter school board of directors accountable to the authorizer in a manner
16 agreed to in the charter contract, as negotiated between the public charter
17 school applicant and the authorizer.

18 (b) The board of directors of a public charter school shall:

19 **1.** Consist of a minimum of two (2) parents of students attending any
20 public charter school operating under the direction of the board of
21 directors;

22 **2. Be residents of the school district in which the public charter school is**
23 **located; and**

24 **3. Have at least seventy-five percent (75%) of the board members elected**
25 **by residents of the school district in which the public charter school is**
26 **authorized subject to the same laws governing school board member**
27 **elections in KRS Chapter 160, except that all members shall represent**

1 *the district at large, they shall be elected in the same year, and the*
2 *term of office shall be three (3) years.*

- 3 (c) A member of the board of directors of a public charter school shall:
- 4 1. Not be an employee of that school or of an education service provider
5 that provides services to the school; and
- 6 2. File full disclosure reports and identify any potential conflicts of
7 interest, relationships with management organizations, and relationships
8 with family members who are applying to or are employed by the public
9 charter school or have other business dealings with the school, the
10 management organization of the school, or any other public charter
11 school and shall make these documents available online through the
12 authorizer.
- 13 (8) Collectively, members of the board of directors shall possess expertise in
14 leadership, curriculum and instruction, law, and finance.
- 15 (9) (a) A board of directors may hold one (1) or more charter contracts.
- 16 (b) Each public charter school under contract with a board of directors shall be
17 separate and distinct from any other public charter school under contract with
18 the board of directors.
- 19 (10) The board of directors shall be responsible for the operation of its public charter
20 school, including but not limited to preparation of a budget, contracting for
21 services, school curriculum, and personnel matters.
- 22 (11) The board of directors shall:
- 23 (a) Ensure that all meetings of the board are publicized in advance according to
24 the rules governing the authorizer and are open to the public at times
25 convenient to parents; ~~and~~
- 26 (b) Require any education service provider contracted with the board to provide a
27 monthly detailed budget to the board; *and*

1 (c) *Submit the name of any education service provider the board contracts with*
2 *and the associated contracts to the Kentucky Department of Education for*
3 *publication on the department's website.*

4 (12) (a) A public charter school may negotiate and contract with its authorizer or any
5 third party for the use, operation, and maintenance of a building and grounds,
6 liability insurance, and the provision of any service, activity, or undertaking
7 that the public charter school is required to perform in order to carry out the
8 educational program described in its charter. Any services for which a public
9 charter school contracts with a school district shall be provided by the district
10 at cost and shall be negotiated as a separate agreement after final charter
11 contract negotiations. The public charter school shall have standing to sue and
12 be sued in its own name for the enforcement of any contract under color of
13 authority granted by KRS 160.1590 to 160.1599. A public charter school may
14 own, rent, or lease its space.

15 (b) Any entity contracted to provide educational services or goods to a public
16 charter school in an amount exceeding ten thousand dollars (\$10,000) shall be
17 subject to the Open Records Act under KRS Chapter 61 for all records
18 associated with the public charter school contract.

19 (13) A public charter school shall be exempt from administrative regulations governing
20 public schools for purposes of zoning and local land use regulation. The Finance
21 and Administration Cabinet shall annually publish a list of vacant and unused
22 buildings and vacant and unused portions of buildings that are owned by the state
23 and that may be suitable for the operation of a public charter school and shall
24 provide the list to applicants for public charter schools and to existing public charter
25 schools upon request.

26 (14) A public charter school shall be nonsectarian in its programs, admissions policies,
27 employment practices, partnerships, and all other operations and shall not have

1 entrance requirements or charge tuition or fees, except that a public charter school
2 may require the payment of fees on the same basis and to the same extent as other
3 public schools.

4 (15) A public charter school shall not discriminate against any student, employee, or any
5 other person on the basis of ethnicity, religion, national origin, sex, disability,
6 special needs, athletic ability, academic ability, or any other ground that would be
7 unlawful if done by a public school.

8 (16) A public charter school shall serve one (1) or more of grades kindergarten through
9 twelve (12) and shall limit admission to students within the grade levels served.

10 (17) A public charter school shall provide programs and services to a student with a
11 disability in accordance with the student's individualized education program and all
12 federal and state laws, rules, and regulations. A public charter school shall deliver
13 the services directly or contract with another provider to deliver the services. A
14 public charter school shall establish an admissions and release committee at the
15 school and the committee shall:

16 (a) Develop an individualized education program for each student with a
17 disability; or

18 (b) Review, revise, or utilize a student's individualized education program
19 completed by the admissions and release committee of the student's former
20 school. If needed, the committee shall work collaboratively with staff from
21 the student's former school to review and revise a student's existing
22 individualized education program.

23 (18) (a) A public charter school shall be eligible to participate in state-sponsored or
24 district-sponsored interscholastic athletics, academic programs, competitions,
25 awards, scholarships, and recognition programs for students, educators,
26 administrators, and schools to the same extent as noncharter public schools.
27 Participants shall comply with eligibility requirements of students enrolled in

1 noncharter public schools.

2 (b) A public charter school has no obligation to provide extracurricular activities
3 or access to facilities for students enrolled in the public charter school.

4 (c) If a public charter school sponsors interscholastic athletic activities, students
5 enrolled in the public charter school shall be considered eligible to participate
6 in interscholastic competitions by the Kentucky Board of Education or the
7 agency designated by the state board to manage interscholastic athletics, if
8 other eligibility requirements are met. A student enrolled in a public charter
9 school that sponsors an interscholastic athletic activity shall be ineligible to
10 participate in that activity at any other school.

11 (d) If a public charter school does not offer any interscholastic athletic activity
12 sanctioned by the Kentucky Board of Education or the agency designated by
13 the state board to manage interscholastic athletics, a student enrolled in the
14 public charter school shall be eligible to participate at the school the student
15 would attend based on the student's residence.

16 (e) If a public charter school offers any interscholastic athletic activity sanctioned
17 by the Kentucky Board of Education or the agency designated by the state
18 board to manage interscholastic athletics, a student enrolled in the public
19 charter school shall be ineligible to participate in any interscholastic athletic
20 activity at any other school.

21 (19) Nothing in this section shall be construed to prevent the establishment of a single-
22 sex public charter school consistent with federal regulations or a public charter
23 school designed to provide expanded learning opportunities for students at risk of
24 academic failure or for students with special needs.

25 (20) The authorizer of a public charter school shall semiannually consider for approval a
26 public charter school's proposed amendments to a charter contract. The authorizer
27 may consider requests for amendments more frequently upon mutual agreement

1 between the authorizer and the public charter school. The denial of an amendment
2 request is appealable pursuant to KRS 160.1595.

3 (21) If a student who was previously enrolled in a public charter school enrolls in
4 another public school located within the state, the new school shall accept any
5 credits earned and grades received by the student in courses or instructional
6 programs while enrolled in the public charter school in a uniform and consistent
7 manner and according to the same criteria that are used to accept credits from other
8 public schools.

9 (22) A teacher employed by a local board of education under a continuing service
10 contract and offered employment with a public charter school shall be granted a two
11 (2) year leave of absence to teach in a public charter school. The leave of absence
12 shall commence on the first day of service to the public charter school. During the
13 first or second year of the leave of absence, the teacher may notify the local board
14 of education that the teacher intends to return to a teaching position in the local
15 school district. The teacher shall be allowed to return to a teaching position in the
16 local school district at the appropriate salary for the teacher's years of experience
17 and educational level. After two (2) years on leave, the relationship between the
18 teacher and the local board of education shall be determined by the local board and
19 the local board shall notify the teacher of the decision.

20 ➔Section 4. KRS 160.1593 is amended to read as follows:

21 (1) An application to establish a public charter school may be submitted to a public
22 charter school authorizer by teachers, parents, school administrators, community
23 residents, public organizations, nonprofit organizations, or a combination thereof.

24 (2) An applicant shall submit an application for approval of a public charter school to
25 an authorizer and shall also submit a written notification of the application
26 simultaneously to the state board as a record of the filing. Charter authorizers shall
27 accept and document the date and time of receipt of all charter applications.

- 1 (3) The information provided in the application shall be consistent with this section and
2 shall include:
- 3 (a) A mission statement and a vision statement for the public charter school,
4 including the targeted student population and the community the school hopes
5 to serve, and shall outline how the public charter school will establish resident
6 and nonresident enrollment policies which shall be subject to the same
7 limitations as a school district;
- 8 (b) A description of the school's proposed academic program that is aligned with
9 state standards, and that implements one (1) or more of the purposes described
10 in KRS 160.1591, and the instructional methods that will support the
11 implementation and success of the program;
- 12 (c) 1. The student achievement goals for the public charter school's
13 educational program and the chosen methods of evaluating whether
14 students have attained the skills and knowledge specified for those
15 goals; and
- 16 2. An explanation of how the school's proposed educational program is
17 likely to improve the achievement of traditionally underperforming
18 students, serve the needs of students with individualized education
19 programs, or provide students with career readiness education
20 opportunities;
- 21 (d) The school's plan for using external, internal, and state-required assessments
22 to measure student progress on the performance framework as identified in
23 KRS 160.1596, and how the school will use data to drive instruction and
24 continued school improvement;
- 25 (e) The proposed governance structure of the school, including a list of members
26 of the initial board of directors, **a plan for the election and composition of**
27 **the full board of directors**, a draft of bylaws that include the description of

1 the qualifications, terms, and methods of appointment or election of directors,
2 and the organizational structure of the school that clearly presents lines of
3 authority and reporting between the board of directors, school administrators,
4 staff, any related bodies such as advisory bodies or parent and teacher
5 councils, and any external organizations that will play a role in managing the
6 school;

- 7 (f) 1. Plans and timelines for student recruitment and enrollment, including
8 policies and procedures for conducting transparent and random
9 admission lotteries that are open to the public, and that are consistent
10 with KRS 160.1591 and 160.1592;
- 11 2. An application shall demonstrate a plan to recruit at least one hundred
12 (100) students, unless the application is focused on serving special needs
13 or at-risk students or students seeking career readiness education; and
- 14 3. If the application is for a public charter school located in a district with
15 total student enrollment of seven thousand five hundred (7,500) or less,
16 then the application shall include a memorandum of understanding with
17 the district of location endorsing the application. However, if the
18 application is for an urban academy located within a county where the
19 total enrollment of all independent school districts is greater than seven
20 thousand five hundred (7,500), then this subparagraph shall not apply;
- 21 (g) A proposed five (5) year budget, including the start-up year and projections
22 for four (4) additional years with clearly stated assumptions;
- 23 (h) Draft fiscal and internal control policies for the public charter school;
- 24 (i) Requirements and procedures for programmatic audits and assessments at
25 least once annually, with audits and assessments being comparable in scope to
26 those required of noncharter public schools;
- 27 (j) A draft handbook that outlines the personnel policies of the public charter

- 1 school, including the criteria to be used in the hiring of qualified teachers,
2 school administrators, and other school employees, a description of staff
3 responsibilities, and the school's plan to evaluate personnel on an annual
4 basis;
- 5 (k) A draft of the policies and procedures by which students may be disciplined,
6 including students with disabilities, which shall be consistent with the
7 requirements of due process and with state and federal laws and regulations
8 governing the placement of students with disabilities;
- 9 (l) A description of the facilities to be used by the public charter school,
10 including the location of the school, if known, and how the facility supports
11 the implementation of the school's academic program. If the facilities to be
12 used by the proposed school are not known at the time the application is
13 submitted, the applicant shall notify the authorizer within ten (10) business
14 days of acquiring facilities for the school. The school shall obtain certification
15 of occupancy for the facilities at least thirty (30) days prior to the first student
16 instructional day;
- 17 (m) The proposed ages and grade levels to be served by the public charter school,
18 including the planned, minimum, and maximum enrollment per grade per
19 year;
- 20 (n) The school calendar and school day schedule, which shall total at least the
21 equivalent to the student instructional year specified in KRS 158.070;
- 22 (o) Types and amounts of insurance coverage to be obtained by the public charter
23 school, which shall include adequate insurance for liability, property loss, and
24 the personal injury of students comparable to other schools within the local
25 school district operated by the local school board;
- 26 (p) A description of the health and food services to be provided to students
27 attending the school;

- 1 (q) Procedures to be followed in the case of the closure or dissolution of the
2 public charter school, including provisions for the transfer of students and
3 student records to the district of location or to another charter school located
4 within the local school district and an assurance and agreement to payment of
5 net assets or equity, after payment of debts as specified in KRS 160.1598;
- 6 (r) A code of ethics for the school setting forth the standards of conduct expected
7 of its board of directors, officers, and employees;
- 8 (s) Plans for recruiting and developing staff;
- 9 (t) A staffing chart for the school's first year and a staffing chart for the term of
10 the charter;
- 11 (u) A plan for parental and community involvement in the school, including the
12 role of parents in the administration and governance of the school;
- 13 (v) The public charter school's plan for identifying and successfully serving
14 students with disabilities, students who are English language learners,
15 bilingual students, and students who are academically behind and gifted,
16 including but not limited to the school's plan for compliance with all
17 applicable federal and state laws and regulations;
- 18 (w) A description of cocurricular and extracurricular programs and how they will
19 be funded and delivered;
- 20 (x) The process by which the school will resolve any disputes with the authorizer;
21 ~~and~~
- 22 (y) A detailed start-up plan, including financing, tasks, timelines, and individuals
23 responsible for carrying out the plan; **and**
- 24 **(z) A statement detailing the potential operational and financial impact the**
25 **proposed public charter school will have on the district of location.**
- 26 (4) If the public charter school applicant intends to contract with an education service
27 provider for educational program implementation or comprehensive management,

1 the application shall additionally require the applicant to:

- 2 (a) Provide evidence of success in serving student populations similar to the
3 targeted population, including demonstrated academic achievement as well as
4 successful management of nonacademic school functions, if applicable;
- 5 (b) Provide student performance data and financial audit reports for all current
6 and past public charter schools;
- 7 (c) Provide documentation of and explanation for any actions taken against any
8 of its public charter schools for academic, financial, or ethical concerns;
- 9 (d) Provide evidence of current capacity for growth;
- 10 (e) Provide a term sheet setting forth:
- 11 1. The proposed duration of the service contract;
- 12 2. The annual proposed fees to be paid to the education service provider;
- 13 3. The roles and responsibilities of the board of directors, the school staff,
14 and the education service provider;
- 15 4. The scope of services and resources to be provided by the education
16 service provider;
- 17 5. Performance evaluation measures and timelines;
- 18 6. Compensation structure, including clear identification of all fees to be
19 paid to the education service provider;
- 20 7. Methods of contract oversight and enforcement;
- 21 8. Investment disclosure; and
- 22 9. Conditions for renewal and termination of the contract; and
- 23 (f) Disclose and explain any existing or potential conflicts of interest between the
24 board of directors and the proposed education service provider or any
25 affiliated business entities.

26 ➔Section 5. KRS 160.1594 is amended to read as follows:

27 (1) A public charter school authorizer shall:

- 1 (a) Fulfill the expectations and intent of this section and KRS 160.1590 to
2 160.1599 and 161.141;
- 3 (b) Demonstrate public accountability and transparency in all matters concerning
4 its charter-authorizing practices, decisions, and expenditures;
- 5 (c) Establish an annual timeline consistent with statutory guidelines with
6 deadlines to solicit, invite, accept, and evaluate applications from applicants;
- 7 (d) Approve new and renewal charter applications that meet the requirements of
8 this section and KRS 160.1593;
- 9 (e) Decline to approve charter applications that:
- 10 1. Fail to meet the requirements of this section and KRS 160.1593; or
11 2. Are for a school that would be wholly or partly under the control or
12 direction of any religious denomination;
- 13 (f) Negotiate and execute in good faith a charter contract with each public charter
14 school it authorizes;
- 15 (g) Monitor the performance and compliance of public charter schools according
16 to the terms of the charter contract;
- 17 (h) Determine whether each charter contract it authorizes merits renewal or
18 revocation; ~~and~~
- 19 (i) Establish and maintain policies and practices consistent with the principles
20 and professional standards for authorizers of public charter schools, including
21 standards relating to:
- 22 1. Organizational capacity and infrastructure;
23 2. Soliciting and evaluating applications;
24 3. Performance contracting;
25 4. Ongoing public charter school oversight and evaluation; and
26 5. Charter approval, renewal, and revocation decision making; **and**
- 27 **(j) Collect data annually from each charter school it authorized on all student**

1 *withdrawals and disciplinary actions, including the reason for each*
2 *withdrawal and disciplinary action as well as documentation that students'*
3 *due process rights were addressed. Each authorizer shall annually provide*
4 *that information to the Kentucky Department of Education for reporting to*
5 *the Education Assessment and Accountability Review Subcommittee.*

- 6 (2) In reviewing applications, the public charter school authorizer is encouraged to give
7 preference to applications that demonstrate the intent, capacity, and capability to
8 provide comprehensive learning experiences to:
- 9 (a) Students identified by the applicants as at risk of academic failure;
 - 10 (b) Students with special needs as identified in their individualized education
11 program as defined in KRS 158.281; and
 - 12 (c) Students who seek career readiness education opportunities.
- 13 (3) After a charter applicant submits a written application to establish a public charter
14 school, the authorizer shall:
- 15 (a) Complete a thorough review process;
 - 16 (b) Conduct an in-person interview with the applicant group;
 - 17 (c) Provide an opportunity in a public forum for local residents to provide input
18 and learn about the charter application;
 - 19 (d) Provide a detailed analysis of the application to the applicant or applicants,
20 which shall include any identified deficiencies;
 - 21 (e) Allow an applicant a reasonable time to provide additional materials and
22 amendments to its application to address any identified deficiencies, including
23 allowing an applicant to request a sixty (60) day extension to seek technical
24 assistance in curing deficiencies from the state board under KRS 160.1595;
25 and
 - 26 (f) Approve or deny a charter application based on established objective criteria
27 or request additional information.

- 1 (4) In deciding to approve a charter application, the authorizer shall:
- 2 (a) Grant charters only to applicants that possess competence in all elements of
- 3 the application requirements identified in this section and KRS 160.1593;
- 4 (b) Base decisions on documented evidence collected through the application
- 5 review process; and
- 6 (c) Follow charter-granting policies and practices that are transparent, based on
- 7 merit, and avoid conflicts of interest.
- 8 (5) Unless an extension is requested under subsection (3) of this section, no later than
- 9 sixty (60) days following the filing of the charter application, the authorizer shall
- 10 approve or deny the charter application. The authorizer shall adopt by resolution all
- 11 charter approval or denial decisions in an open meeting of the authorizer's board of
- 12 directors.
- 13 (6) Any failure to act on a charter application within sixty (60) days of the established
- 14 application submission deadline shall be deemed an approval by the authorizer.
- 15 (7) An application shall be approved if the public charter school authorizer finds that:
- 16 (a) The public charter school described in the application meets the requirements
- 17 established by this section and KRS 160.1590 and 160.1592;
- 18 (b) The applicant demonstrates the ability to operate the school in an
- 19 educationally and fiscally sound manner; and
- 20 (c) Approving the application is likely to improve student learning and
- 21 achievement and further the purposes established by KRS 160.1591.
- 22 (8) An authorizer shall provide a written explanation within five (5) days of adopting a
- 23 resolution, for the public record, stating its reasons for approval or denial of a
- 24 charter application, including a thorough explanation of how the charter application
- 25 either meets or fails to meet established objective criteria for making charter
- 26 application decisions, and the authorizing process which the authorizer used to
- 27 review, evaluate, and make its final decision.

1 (9) An authorizer's charter application approval shall be submitted to the Kentucky
2 Department of Education as written notice.

3 (10) When an authorizer that is a local school board or a collaborative of local school
4 boards receives a charter school application, any member of the board or boards
5 who has not received charter authorization training within twelve (12) months
6 immediately preceding the date the application was received shall receive six (6)
7 hours of in-service training prior to evaluating the charter application. Except for
8 training provided prior to July 15, 2020, the training shall be in addition to the
9 annual in-service training required under KRS 160.180, and each board shall select
10 the trainer to deliver the training to its members. Charter authorizer training shall
11 not be required of any local school board member until a charter application is
12 submitted to the board or boards.

13 ➔Section 6. KRS 160.1596 is amended to read as follows:

14 (1) (a) For purposes of this section, a member of the board of directors of a public
15 charter school shall be considered an officer under KRS 61.040 and shall,
16 within sixty (60) days of final approval of an application, take an oath of
17 office as required under KRS 62.010.

18 (b) Within seventy-five (75) days of the final approval of an application, the
19 board of directors and the authorizer shall enter into a binding charter contract
20 that establishes the academic and operational performance expectations and
21 measures by which the public charter school will be evaluated.

22 (c) The executed charter contract shall become the final authorization for the
23 public charter school. The charter contract shall include:

- 24 1. The term of the contract;
- 25 2. The agreements relating to each item required under KRS 160.1592(3)
26 and 160.1593(3), as modified or supplemented during the approval
27 process;

- 1 3. The rights and duties of each party;
- 2 4. The administrative relationship between the authorizer and the public
- 3 charter school;
- 4 5. The allocation of state, local, and federal funds, and the schedule to
- 5 disburse funds to the public charter school by the authorizer;
- 6 6. The process the authorizer will use to provide ongoing oversight,
- 7 including a process to conduct annual site visits;
- 8 7. The specific commitments of the public charter school authorizer
- 9 relating to its obligations to oversee, monitor the progress of, and
- 10 supervise the public charter school;
- 11 8. The process and criteria the authorizer will use to annually monitor and
- 12 evaluate the overall academic, operating, and fiscal conditions of the
- 13 public charter school, including the process the authorizer will use to
- 14 oversee the correction of any deficiencies found in the annual review;
- 15 9. The process for revision or amendment to the terms of the charter
- 16 contract agreed to by the authorizer and the board of directors of the
- 17 public charter school;
- 18 10. The process agreed to by the authorizer and the board of directors of the
- 19 public charter school that identifies how disputes between the authorizer
- 20 and the board will be handled; and
- 21 11. Any other terms and conditions agreed to by the authorizer and the
- 22 board of directors, including pre-opening conditions. Reasonable
- 23 conditions shall not include enrollment caps or operational requirements
- 24 that place undue constraints on a public charter school or are
- 25 contradictory to the provisions of KRS 160.1590 to 160.1599 and
- 26 161.141. Such conditions, even when incorporated in a charter contract,
- 27 shall be considered unilaterally imposed conditions.

- 1 (d) 1. The performance provisions within a charter contract shall be based on a
2 performance framework that sets forth the academic and operational
3 performance indicators, measures, and metrics to be used by the
4 authorizer to evaluate each public charter school. The performance
5 framework shall include at a minimum indicators, measures, and metrics
6 for:
- 7 a. Student academic proficiency;
 - 8 b. Student academic growth;
 - 9 c. Achievement gaps in both student proficiency and student growth
10 for student subgroups, including race, sex, socioeconomic status,
11 and areas of exceptionalty;
 - 12 d. Student attendance;
 - 13 e. Student suspensions;
 - 14 f. Student withdrawals;
 - 15 g. Student exits;
 - 16 h. Recurrent enrollment from year to year;
 - 17 i. College or career readiness at the end of grade twelve (12);
 - 18 j. Financial performance and sustainability; and
 - 19 k. Board of directors' performance and stewardship, including
20 compliance with all applicable statutes, administrative regulations,
21 and terms of the charter contract.
- 22 2. The performance framework shall allow the inclusion of additional
23 rigorous, valid, and reliable indicators proposed by a public charter
24 school to augment external evaluations of its performance. The proposed
25 indicators shall be consistent with the purposes of KRS 160.1590 to
26 160.1599 and 161.141 and shall be negotiated with the authorizer.
- 27 3. The performance framework shall require the disaggregation of student

- 1 performance data by subgroups, including race, sex, socioeconomic
2 status, and areas of exceptionality.
- 3 4. The authorizer shall be responsible for collecting, analyzing, and
4 reporting to the state board all state-required assessment and
5 achievement data for each public charter school it oversees.
- 6 (e) Annual student achievement performance targets shall be set, in accordance
7 with the state accountability system, by each public charter school in
8 conjunction with its authorizer, and those measures shall be designed to help
9 each school meet applicable federal, state, and authorizer goals.
- 10 (f) The charter contract shall be signed by the chair of the governing board of the
11 authorizer and the chair of the board of directors of the public charter school.
12 An approved charter application shall serve as a charter contract for the public
13 charter school.
- 14 (g) No public charter school may commence operations without a charter contract
15 executed according to this section and approved in an open meeting of the
16 governing board of the authorizer.
- 17 (2) Within five (5) days after entering into a charter contract, a copy of the executed
18 contract shall be submitted by the authorizer to the commissioner of education.
- 19 (3) For the purposes of local and state funding, a public charter school shall serve as a
20 school of the district of location.
- 21 (4) For the purposes of federal funding, a public charter school shall serve as a local
22 education agency.
- 23 (5) All students enrolled in a public charter school shall be included in the average
24 daily attendance calculation under KRS 157.360 and the aggregate and average
25 daily attendance of transported pupils calculation under KRS 157.370 of the district
26 of location in the same manner as any other public schools in the district and shall
27 be reported by the public charter schools to the school district and state Department

1 of Education for purposes of calculating the state and local share of funding for
2 each public charter school.

3 (6) Notwithstanding the formula for allocating district funds under KRS 160.345(8)
4 and any other statute governing a district's funding of schools, unless an authorizing
5 district agrees to provide a larger sum of funding in the charter contract, ***after all***
6 ***locally raised revenues***~~[after local capital outlay funds that are restricted in use~~
7 ~~pursuant to KRS 157.420(4) and funds under KRS 157.440(1)(b) and 157.621~~
8 ~~necessary to meet debt service obligations on bonds or other financing mechanisms~~
9 ~~for new construction and renovation projects for school facilities]~~ are excluded, and
10 before any other funds are budgeted for district use, a district shall transfer to each
11 of the public charter schools located within the district:

12 (a) The amount that is proportional to the public charter school's enrollment or
13 average daily attendance in comparison with the overall district qualifying
14 numbers for:

- 15 1. Funds that are related to students' attendance and enrollment and
16 allocated to the district of location pursuant to KRS 157.360;
- 17 2. Any add-on or funding factors provided for in the state budget;
- 18 3. Any add-on or funding factors provided for by the Kentucky
19 Department of Education; and
- 20 4. Funds pursuant to KRS 157.360(2)(a) and (b) and (13)(a).

21 For each funding source identified in this paragraph, the transfer amount shall
22 be based on the public charter school's qualifying student enrollment or
23 average daily attendance, depending on the method used in the funding
24 source's calculation, ***However, any add-on or funding factor associated with***
25 ***providing special education services to a student when the student has been***
26 ***enrolled during the year in both the district of location's school and the***
27 ***public charter school shall be divided proportionally per pupil between both***

1 *schools according to that student's attendance; and*

2 (b) ~~{On a proportionate per pupil basis:~~

3 1. ~~Education funds allocated to the school district pursuant to KRS~~
4 ~~157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute;~~
5 ~~and~~

6 2. ~~All taxes and payments in lieu of taxes transferred to the district of~~
7 ~~location or levied and collected by the district of location; and~~

8 ~~(c)~~ } On a proportionate per pupil transported basis, transportation funds
9 calculated pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the
10 district of location, unless the school district provides transportation to
11 students attending the public charter school under written terms agreed upon
12 by the district and the public charter school in either the charter contract or, if
13 the district is not the public charter school's authorizer, a separate agreement.

14 (7) (a) If transportation funds are transferred under this section to a public charter
15 school, then the public charter school receiving those funds shall provide
16 transportation services to the enrolled students residing within the district of
17 location.

18 (b) If funds designated for providing additional services to specific students are
19 transferred under this section, then the public charter school receiving those
20 funds shall provide those services in the same manner as the district of
21 location.

22 (c) If transportation services are not provided by the public charter school and no
23 written agreement to provide transportation services with the district of
24 location exists, then no transportation funds shall be transferred and the
25 district of location shall not be responsible for providing transportation to the
26 public charter school's students.

27 (8) Notwithstanding the identification of funds to be transferred in this section, a

1 collaborative among local school boards authorizing a public charter school may
2 negotiate among the local boards and a charter applicant to identify the amount of
3 funds to be transferred to the public charter school. The agreement shall be detailed
4 in the charter contract.

5 (9) (a) For the calculation of amounts under subsections (6) and (7) of this section
6 during the first school year of operation of a public charter school in a school
7 district, beginning with the start of instruction:

8 1. The public charter school's average daily attendance shall be calculated
9 based on a projection of the public charter school's enrollment and the
10 district's overall average daily attendance;

11 2. The public charter school's aggregate daily attendance of students
12 transported shall be calculated based on a projection of the public
13 charter school's enrollment and transportation plan and the district's
14 overall aggregate daily attendance of students transported; and

15 3. The amounts attributable to each individual student's attendance at the
16 public charter school shall be calculated based on a projection of the
17 public charter school's enrollment and demographics and the district's
18 overall enrollment and demographics.

19 (b) The calculations shall be adjusted in January of the first school year of
20 operation to reflect the first semester's actual data. Subsequent years of
21 operation shall be calculated using actual data from the prior school year.

22 (10) (a) Funds identified for transfer under this section shall be transferred by a district
23 of location to each of the public charter schools located within the district.
24 However, up to one percent (1%)~~three percent (3%)~~ of the funds identified
25 under this section for transfer to a public charter school or the actual prior
26 year's actual authorizer costs, whichever is less, may be retained by an
27 authorizer as an authorizer fee.

- 1 (b) If the authorizer of a public charter school does not include the local board of
2 education of the district of location, then the district of location shall transfer
3 the authorizer fee to the public charter school's authorizer.
- 4 (c) If the Kentucky Board of Education requires the authorization of a public
5 charter school on appeal from an authorizer, the board shall receive twenty-
6 five percent (25%) of the authorizing fee for the duration of joint oversight
7 required by KRS 160.1595.
- 8 (11) Funds identified for transfer by a district of location to a public charter school under
9 this section shall be transferred throughout the school year according to a schedule
10 determined by the state board. The scheduled dates shall be within thirty (30) days
11 of the dates of state disbursement of funds to school districts. Failure to transfer
12 required funds shall, for every five (5) days late, result in a fine to the violator of
13 not less than five percent (5%) of the total funds per funding period to be
14 transferred. Fines imposed shall be transferred to the public charter school affected
15 by the delay.
- 16 (12) A public charter school shall be eligible for federal and state competitive grants and
17 shall not be excluded from an opportunity to apply or participate so long as the
18 public charter school meets the criteria established for the respective grants. Each
19 public charter school that receives grant aid shall comply with all requirements to
20 receive such aid.
- 21 (13) A public charter school shall receive a proportionate per pupil share of any state
22 moneys not otherwise identified in this section that is received by the school district
23 of location. The public charter school shall also receive, according to federal law,
24 moneys generated under federal categorical aid programs for students that are
25 eligible for the aid and attending the public charter school. Each public charter
26 school that receives such aid shall comply with all requirements to receive such aid.
- 27 (14) The commissioner of education shall apply for all federal funding that supports

1 charter school initiatives for which a state must be the applicant and shall cooperate
2 with any public charter school in its efforts to seek federal funding.

3 (15) If a public charter school closes for any reason, the assets of the school shall be
4 distributed first to satisfy outstanding payroll obligations for employees of the
5 school, then to the creditors of the school, then to the district of location or
6 authorizing districts if authorized by a collaborative of local boards of education. If
7 the assets are insufficient to satisfy outstanding obligations, the authorizer shall
8 petition to Circuit Court of the county in which the public charter school is located
9 to prioritize the distribution of assets.

10 (16) The state board shall promulgate administrative regulations to:

11 (a) Establish the process to be used to evaluate the performance of a charter
12 school authorizer, based upon the requirements of KRS 160.1590 to 160.1599
13 and 161.141, and the actions to be taken in response to failures in
14 performance; and

15 (b) Govern the calculation and distribution of funds due to public charter schools
16 from school districts, the schedule of distribution of funds, and the imposition
17 of fines for late distribution of funds.

18 (17) By August 31, 2023, and annually thereafter, each public charter school authorizer
19 shall submit to the commissioner of education, the secretary of the Education and
20 Labor Cabinet, and the Interim Joint Committee on Education a report to include:

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

- 23 1. Closed during or after the academic year; or
- 24 2. Had the contract nonrenewed or revoked;

25 (b) The names of each public charter school operating under contract with the
26 authorizer during the previous academic year that have not yet begun to
27 operate;

- 1 (c) The number of applications received, the number reviewed, and the number
2 approved;
- 3 (d) A summary of the academic and financial performance of each public charter
4 school operated under contract with the authorizer during the previous
5 academic year; and
- 6 (e) The authorizing duties and functions performed by the authorizer during the
7 previous academic year.

8 ➔Section 7. KRS 160.1597 is amended to read as follows:

- 9 (1) Upon the approval of a charter contract by a public charter school authorizer, the
10 applicant shall be permitted to operate a public charter school for a term of three
11 ~~(3)[five (5)]~~ years.
- 12 (2) The board of directors of the public charter school shall negotiate and execute a
13 charter contract with the governing body of the authorizer.
- 14 (3) A public charter school shall have all corporate powers necessary and desirable for
15 carrying out a public charter school program in accordance with this section and the
16 terms of the charter contract, including all of the powers of a local board of
17 education and of a local school district, except as otherwise provided in KRS
18 160.1590 to 160.1599.
- 19 (4) The powers granted to a public charter school under this section constitute the
20 performance of essential public purposes and governmental purposes of this state. A
21 public charter school shall be exempt to the same extent as other public schools
22 from all taxation, fees, assessments, and special ad valorem levies on its earnings
23 and its property. Instruments of conveyance to or from a public charter school and
24 any bonds or notes issued by a public charter school, together with the income
25 received, shall at all times be exempt from taxation.
- 26 (5) A public charter school shall not have the power to levy taxes or to acquire property
27 by eminent domain, but shall have police powers to the same extent and under the

1 same requirements as a local school district.

2 (6) The board of directors of the public charter school shall have final authority over
3 policy and operational decisions of the public charter school, although the decision-
4 making authority may be delegated to the administrators and staff of the school in
5 accordance with the provisions of the charter contract.

6 (7) Notwithstanding any other statute to the contrary, no civil liability shall attach to
7 any public charter school authorizer or to any of its members or employees,
8 individually or collectively, for any acts or omissions of the public charter school.
9 Neither the local school district nor the Commonwealth shall be liable for the debts
10 or financial obligations of a public charter school or any person or corporate entity
11 who operates a public charter school.

12 ➔Section 8. KRS 160.1598 is amended to read as follows:

13 (1) A charter contract may be renewed by the authorizer for a term of duration of **three**
14 **(3) years**~~[five (5) years, although the authorizer may vary the term to as few as~~
15 ~~three (3) years].~~ Any variation in the public charter school's term must be solely
16 based on the performance, demonstrated capacities, and particular circumstances of
17 a public charter school. Authorizers may grant renewal with specific conditions for
18 necessary improvements to a public charter school, but may not impose conditions
19 inconsistent with KRS 160.1590 to 160.1599.

20 (2) (a) No later than one (1) calendar year prior to the expiration date of a charter
21 contract, an authorizer shall issue a public charter school performance report
22 and charter renewal application guidance to the public charter school it
23 authorized. The performance report shall summarize the school's performance
24 record to date, based on the performance framework required under KRS
25 160.1596 and the charter contract, and shall provide notice of any weaknesses
26 or concerns related to the school that may jeopardize its position in seeking
27 renewal if not timely rectified and of any strengths or achievements that

- 1 support its position in seeking renewal.
- 2 (b) The school shall have twenty (20) days to respond to the performance report
3 and submit any corrections or clarification for the report to the authorizer.
- 4 (c) Within ten (10) days of receiving a school's response, the authorizer shall
5 review the response and issue a final performance report to the school.
- 6 (3) (a) The renewal application guidance shall, at a minimum, provide an opportunity
7 for the public charter school to:
- 8 1. Present additional evidence beyond the data contained in the
9 performance report supporting its case for charter renewal;
- 10 2. Describe improvements undertaken or planned for the school; and
- 11 3. Detail the school's plan for the next charter term.
- 12 (b) The renewal application guidance shall include or refer explicitly to the
13 criteria that will guide the authorizer's renewal decisions, which shall be based
14 on the performance framework as identified in the charter contract.
- 15 (4) (a) No later than six (6) months prior to the expiration date of a charter contract,
16 the board of directors of a public charter school seeking charter contract
17 renewal shall submit a renewal application to the authorizer pursuant to the
18 renewal application guidance issued by the authorizer.
- 19 (b) The authorizer shall rule by resolution on the renewal application no later than
20 thirty (30) days after receipt of the application.
- 21 (5) In making charter application, renewal, or other appealable decisions, an authorizer
22 shall:
- 23 (a) Make its decision within established timeframes. Any failure of the authorizer
24 to act on a charter application, renewal, or other appealable decision shall be
25 deemed an approval of the requested action;
- 26 (b) Base its decision on evidence of the public charter school's performance over
27 the term of the charter contract in accordance with the performance

- 1 framework required in the charter contract;
- 2 (c) Ensure that data used in making renewal decisions is available to the public
- 3 charter school and the public; and
- 4 (d) Provide a public report summarizing the evidence basis for each decision.
- 5 (6) A charter contract may not be renewed if the authorizer determines that the public
- 6 charter school has:
- 7 (a) Committed a material violation of any of the terms, conditions, standards, or
- 8 procedures required under KRS 160.1590 to 160.1599 and 161.141 or the
- 9 charter contract, and has persistently failed to correct the violation after fair
- 10 and specific notice from the authorizer;
- 11 (b) Failed to meet or make significant progress toward the performance
- 12 expectations identified in the charter contract;
- 13 (c) Failed to meet generally accepted standards of fiscal management, and has
- 14 failed to correct the violation after fair and specific notice from the authorizer;
- 15 or
- 16 (d) Substantially violated any material provision of law from which the public
- 17 charter school was not exempted and has failed to correct the violation after
- 18 fair and specific notice from the authorizer.
- 19 (7) An authorizer may take immediate action to revoke a charter contract if a violation
- 20 threatens the health and safety of the students of the public charter school.
- 21 (8) The State Board of Education shall promulgate administrative regulations
- 22 establishing a revocation and nonrenewal process for charter authorizers that:
- 23 (a) Provides the charter holder with a timely notification of the prospect of
- 24 revocation or nonrenewal and of the reasons for such possible closure;
- 25 (b) Allows a charter holder a reasonable time in which to prepare a response;
- 26 (c) Provides the charter holder with an opportunity to submit documentation and
- 27 provide testimony challenging the rationale behind the closure and in support

- 1 of the continuation of the school at a public meeting held for that purpose;
- 2 (d) Allows the charter holder the right to representation by counsel and to call
3 witnesses on behalf of the charter holder;
- 4 (e) Permits the recording of such proceedings; and
- 5 (f) After a reasonable period of deliberation, requires a final determination be
6 made and conveyed in writing to the charter holder.
- 7 (9) If an authorizer revokes or does not renew a contract, the authorizer shall clearly
8 state, in a resolution of its governing board the reason for the revocation or
9 nonrenewal.
- 10 (10) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the
11 authorizer shall report to the state board the action taken, and shall provide a report
12 to the public charter school at the same time the report is issued to the state board.
13 The report shall include a copy of the resolution adopted by the authorizer's
14 governing board describing the action taken and reasons for the decision and
15 assurance as to compliance with all of the procedural requirements and application
16 elements found in KRS 160.1593.
- 17 (11) An authorizer shall develop a public charter school closure protocol to ensure
18 timely notification to parents, orderly transition of students and student records to
19 new schools, and proper disposition of school funds, property, and assets. The
20 protocol shall specify tasks, timelines, and responsible parties, including delineating
21 the respective duties of the school and the authorizer. If a public charter school
22 closes for any reason, the authorizer shall oversee and work with the closing school
23 to ensure a smooth and orderly closure and transition for students and parents, as
24 guided by the closure protocol. If a public charter school is subject to closure,
25 following exhaustion of any appeal allowed under KRS 160.1595, an authorizer
26 may remove at will at any time any or all of the members of the board of directors
27 of the public charter school in connection with ensuring a smooth and orderly

1 closure. If the authorizer removes members of the board of directors such that the
2 board of directors can no longer function, the authorizer shall be empowered to take
3 any further necessary and proper acts connected with closure of the public charter
4 school in the name and interest of the public charter school.

5 ➔Section 9. KRS 160.1599 is amended to read as follows:

- 6 (1) An existing public school not scheduled for closure may be converted into a public
7 charter school and be identified to become a conversion public charter school if an
8 applicant indicates to a valid authorizer the intent to convert an existing public
9 school into a conversion public charter school.
- 10 (2) A conversion public charter school may only be established if:
- 11 (a) A school has been identified by the Kentucky Department of Education as
12 performing in the lowest five percent (5%) of its level and sixty percent (60%)
13 of the parents or guardians of students who attend the school have signed a
14 petition requesting the conversion, which shall be completed and submitted to
15 a valid authorizer no later than ninety (90) days after the date of the first
16 signature;
- 17 (b) A school has been identified by the Kentucky Department of Education as not
18 performing in the lowest five percent (5%) of its level and sixty percent (60%)
19 of the parents or guardians of students who attend the school have signed a
20 petition requesting the conversion, which is approved by a majority vote of
21 the local school board. If approved the completed petition shall be submitted
22 to a valid authorizer no later than ninety (90) days after the date of the first
23 signature; or
- 24 (c) The local school board votes to convert an existing public school over which
25 it has authority.
- 26 (3) For each conversion option identified in subsection (2) of this section, the Kentucky
27 Board of Education shall promulgate administrative regulations to govern the

1 processes and procedures for the petition, the conversion, and the operation of a
2 conversion public charter school.

3 (4) A conversion public charter school shall be governed by a board of directors
4 constituted and empowered as provided in KRS 160.1592.

5 (5) A conversion public charter school shall continue to comply with all federal and
6 state requirements concerning the treatment of children with special needs and
7 accept all students who attended the school prior to its conversion who wish to
8 attend.

9 (6) A conversion public charter school shall hire its own employees.

10 (7) An employee who works in a conversion public charter school shall be an employee
11 of the public charter school.

12 (8) (a) For any collective bargaining agreement entered into on or after June 29,
13 2017, a governing board shall not be bound by its collective bargaining
14 agreement for employees of a conversion public charter school.

15 (b) Employees of a conversion public charter school may organize and
16 collectively bargain only as a unit separate from other school employees.

17 (9) A conversion public charter school shall continue to be housed in the same public
18 school facility and shall have the option of using the existing assets of the school.

19 **(10) After a conversion public charter school has been established, if at least sixty**
20 **percent (60%) of the parents or guardians of students who attend the school sign**
21 **a petition requesting that the conversion public charter school be reverted, then**
22 **the local school board may approve the petition by a majority vote and the charter**
23 **contract shall be terminated.**