

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #160 (2004-2005)

January 24, 2005

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: REVISION OF SCHOOL BOARD POLICY SECTION 333:
CHARTER SCHOOLS (FIRST READING)

RECOMMENDATION:

It is the recommendation of the Administration that the School Board adopt the recommended policy changes for School Board Policy Section 333: Charter Schools on First Reading.

PERTINENT FACTS:

The Policy subcommittee has taken over a year and a half to conduct a complete proposed rewrite of the charter school policies. Participating in this process were charter school principals, Academic Policy Committee members, charter school applicants, the District's charter school liaison, and District administrators. The subcommittee and other participants reviewed several drafts of the proposed policies.

Revisions:

Many of the changes to the proposed policies represent grammatical revisions. Additionally, the policies have been reorganized so that management and operations of the charter school are distinct policies from those identifying the application and approval process. There is a table of contents included as a preface to the policy.

Substantive revisions to the proposed policies:

- recognized the ability of a charter school to organize as a non-profit corporation (333.1 - Organization of a Charter School, e., p. 1);

- added communication guidelines identifying the respective roles of the District and the charter school in sharing necessary information (333.2 - Communication, p. 2);
- strengthened language to clarify for the charter schools that the District's policies and procedures apply to charter school operations unless a specific waiver has been agreed to by the Board or Superintendent (333.5 - Application Form, g. Administrative Policies, pp. 3-7);
- clarified that the cost charged to charter schools using District space shall be no more than the fair market value of the space used and not less than the full operation and maintenance cost to the District (333.5 - Application Form, j. Location and Description of Facility, (3) c) p. 9);
- established an earlier date by which charter schools must identify their facility location to enable the charter school applicant to garner approval from the State School Board by its June meeting (333.5 - Application Form, j. Location and Description of Facility (5) d). p. 11);
- lengthened the charter school contract term to ten (10) years in accordance with state statute but indicated that the initial term of a new charter school should generally not exceed five (5) years (333.5 - Application Form, q. The Term of the Contract, p. 14);
- recognized and clarified the role of the Academic Policy Committee to have substantial autonomy over the academic mission of the charter school (333.9 - Operations, a. Academic Policy Committee, pp. 20-21);
- stipulated tuition and fees accounting for the charter school (333.94 - Finances, a. Tuition and Fees, p. 24);
- added a requirement that charter schools adopt a written procedure for informal and formal complaint resolution (333.97 - Complaint Resolution, pp. 30-32); and
- added explanatory "*Notes*" throughout the document that are not official policy but contain information the subcommittee and Administration believed would be of assistance to charter schools.

Attachments

Prepared by: Jan Christensen, Assistant Superintendent, Instruction

Approved by: Carol Comeau, Superintendent

333 Charter Schools

~~Charter schools are schools established under AS 14.03.250 that operate within the public school district. Charter schools are established after the approval of the local School Board and the State Board of Education, of an application for a charter school. Charter schools shall operate under a written contract between the charter school and the local School Board. This policy and all its subsections will be repealed as of July 1, 2005 unless extended by the Alaska Legislature.~~

333.1 Establishment of Charter Schools

~~By statute, no more than ten (10) charter schools may operate in the Anchorage School District at any one time. Each year, the local School Board shall accept applications for charter schools in accordance with the application procedure set forth in this policy. The local School Board shall approve no more than five (5) new charter schools during any one school year and in no case shall approve more than ten (10) such schools to be operational at the same time. All charter schools shall be non-sectarian.~~

~~Applications for charter schools shall be submitted to the local School Board no later than October 1 of the school year prior to the school year during which the charter school is proposed to begin operation. Applications received after the October 1 deadline shall not be considered until the next school year. All charter schools shall begin operations as specified in the charter school application (AS 14.03.250 (b)).~~

333.2 Application Procedure for Establishing a Charter School

~~The steps delineated in 333.21 through 333.25 shall be followed in making application for the establishment of a charter school in the Anchorage School District.~~

333.21 Administrative Meeting

~~Any person(s) wishing to establish a charter school shall notify the Superintendent of their intention at their earliest convenience but no later than August 1 of each year if it is intended that the charter school is to begin operation the following fall. The Superintendent shall notify the School Board of all applications to establish a charter school. The Superintendent shall establish an administrative committee under the direction of the Assistant Superintendent for Instruction, to meet with the charter school representatives to review the application procedures, discuss the requirements of the~~

~~application form and the contract between the charter school and the local School Board, and to answer any questions the charter school representatives may have. This meeting shall occur within 10 school or working days of receiving notification of intent, unless otherwise agreed to.~~

~~Following the initial meeting with the administrative committee, the charter school representatives shall prepare the information required on the Application Form, and shall prepare a proposed contract between the charter school and the local School Board. Fifteen (15) typed, single-sided, copies shall be submitted to the Assistant Superintendent for Instruction. The required provisions of the contract are the same as the elements required in the application form set forth in section 333.3 of this policy.~~

~~These documents shall be submitted to the Assistant Superintendent for Instruction no later than October 1 of the school year prior to the school year in which the charter school proposes to begin operations. However, with acceptable rationale, some documents may be submitted later on a mutually agreeable date. Applications received after the October 1 deadline shall not be considered until the next school year.~~

333.22 Administrative Review

~~Upon the timely receipt of the complete application form and the proposed contract, the Assistant Superintendent for Instruction shall convene an administrative review team to review all aspects of the proposal for compliance with the law and this School Board policy. A meeting shall be scheduled with the charter school applicants within 15 school or working days of receiving the application, unless otherwise agreed to, prior to scheduling the School Board Work Session. The meeting will include discussion and suggestions to clarify any aspects of the application packet and charter school proposal.~~

333.23 School Board Work Session

~~Following the timely receipt of the complete application form and the proposed written contract, and after the administrative review, the Board shall hold a public work session with the charter school representatives and other interested persons. The work session~~

~~shall be held within 20 school/work days of the administrative review, unless agreed to otherwise. The proposers may submit a revised application clearly showing revisions to the original application and contract at least 10 school/work days in advance; fifteen (15) typed, single-sided, copies of the revisions shall be provided to the Assistant Superintendent for Instruction. During this work session, the charter school representatives shall present their proposal for a charter school and the contract to the local School Board for discussion/clarification. The local School Board may seek additional information from the administration or the charter school representatives prior to scheduling formal School Board action. School Board members shall raise objections to, and offer constructive criticism of, the proposal at this time. This will allow the charter school representatives to make adjustments, if necessary, before final Board action.~~

~~333.24 School Board Action and Public Hearing~~

~~Following the work session, the local School Board shall place the charter school proposal on the agenda for action no later than the first regularly scheduled School Board meeting in January. The School Board will take action to approve or deny the request to establish the charter school at this meeting. The approval may set forth conditions which must be met by the charter school prior to finalization of the contract. A separate opportunity for public testimony may be scheduled pertaining to the charter school application, or the opportunity for public testimony will be given at the meeting where the charter school application is scheduled for action. If the public hearing is held separately, the proposers may modify their proposal and submit it at least 5 working/school days in advance of School Board action.~~

~~If an application for a charter school is denied by the School Board, a new application for the budget cycle of the following school year may be submitted by the same person, group of people or organization.~~

~~The decision of the Anchorage School Board to reject an application for a charter school may not be appealed.~~

~~The result of School Board action and a copy of the application for the charter school will be forwarded to the Commissioner of~~

~~Education for final review and possible action by the State Board of Education within 20 working days of Anchorage School Board action. Only those charter school applications approved by the Anchorage School Board will be considered for approval by the State Board of Education. (4 AAC 33.110(g) (i)). Charter school applications denied by the Anchorage School Board will not be considered for approval by the State Board of Education. (4 AAC 33.110(i)).~~

~~333.25 Modifications to Approved Charter School Application/Contract~~

~~The approved charter school application and/or contract may be modified at the request of the charter school by either School Board action or administrative action, whichever is appropriate. Requests for modification to School Board Policy or administrative procedures must be submitted in writing to the Assistant Superintendent for Instruction in a timely manner by the charter school. The administration will review the request within 10 school/working days after the request is submitted and issue a decision in writing~~

~~Requests for modification to union contract(s) must be submitted in writing to both the Assistant Superintendent and the appropriate union in a timely manner by the charter school. A written response will be given as soon as possible.~~

~~Those requests requiring School Board action will be submitted to the School Board at a time agreed to by the Superintendent and the School Board President.~~

~~333.3 Application Form~~

~~Charter school applications must be received by the school district no later than October 1 of the year preceding the proposed beginning of the charter school. Applications may be submitted by an individual, group or organization.~~

~~The following information must be provided in writing:~~

- ~~1. The name of the charter school.~~
- ~~2. The name, address, and telephone number of a designated contact person authorized to act for the charter school applicants.~~

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- ~~3. The names, mailing addresses, and phone numbers of the members of the Academic Policy Committee proposing the charter school. It is recommended that the individuals on the Academic Policy Committee have expertise in the following areas: budget and finance, curriculum and instruction, fund raising/grant writing, recruiting volunteers from the parent community as well as the community. Additionally, knowledge of school laws or legal expertise may be helpful.~~

~~In addition, a letter signed by each member of the original Academic Policy Committee attesting to their knowledge of their responsibilities toward the development and operation of the charter school will be submitted.~~

~~The proposal should also describe the following: the composition of the Academic Policy Committee's structure, how they will facilitate their relationship with the School Board and the ASD Administration, and how members are elected/appointed.~~

- ~~4. Description of the Educational Program:~~

- ~~5. A mission statement of the charter school, including a description of the process used to develop the statement, (Note: the mission statement of the proposed charter school must be consistent with the existing mission statement and goals of the Anchorage School District.) A charter school shall be nonsectarian;~~

~~A statement of the program philosophy: explain why the program exists, for whom it is established, and what the intended student performance and performance targets will be for students enrolled in this charter school;~~

~~A description of the need for this charter school;~~

~~A statement of the goals for this charter school and a description of the process used to identify the goals;~~

~~The curriculum in each subject matter area of the charter school (including educational/academic goals, State and ASD Content and Performance Standards, program of study, scope and sequence, instructional methods and materials, and evaluation procedures to be used);~~

~~An identification of any vocational courses to be offered in the charter school (if grades 9 through 12 are included);~~

~~Scheduling requirements (length of the school day with start and end times and a calendar for the school year).~~

~~Students attending a charter school may take classes and/or participate in student activities at other schools once specific budgetary arrangements have been made according to administrative charge-back procedures.~~

~~6. Specific Levels of Achievement for the Educational Program:~~

~~The charter school will participate in the Anchorage School District's School Report Card Process as required by Alaska statute.~~

~~All tests and assessments required by either the State Department of Education or the Anchorage School District will be administered to charter school students.~~

~~Charter schools should describe their academic performance targets and a timeline for achievement by all students.~~

~~If academic performance targets for achievement are not reached by the specified timeline, what corrective measures will be taken by the charter school to remedy the situation? This corrective action plan must include a Plan for Improvement, specific activities for remediation and accommodation by the staff and Academic Policy Committee, a process for monitoring the progress of the Plan by both the Academic Policy Committee and the Administration, and a process for reporting on the progress of the Plan to the Administration and the School Board.~~

~~The charter school must specify the role of the Academic Policy Committee and the Anchorage School District Administration in the Plan for Improvement effort if a school's performance is determined to be unsatisfactory by the School Board, the Administration, the Academic Policy Committee, and/or the State of Alaska.~~

~~If progress in improving student performance is determined to be unsatisfactory by the School Board, the Administration, and/or the Academic Policy Committee after attempts at remediation through~~

~~the Plan for Improvement process, a recommendation may be made to terminate the contract of the charter school. Final action on termination of the charter school contract rests with the Anchorage School Board.~~

~~7. Admission Policies and Procedures:~~

~~Annual calendar of registration and admission dates.~~

~~Any proposed student eligibility criteria and a description of the school's plan to include academically low-achieving students, to promote diversity, to increase the educational opportunities of "at risk" students (those students who because of physical, emotional, socioeconomic or cultural factors are less likely to succeed in school), and to provide an appropriate program for exceptional students and those with special needs.~~

~~A statement affirming that any eligible student who applies in a timely manner will be admitted, subject to the maximum number of students identified in the proposal. A preference for enrollment may be given to the children of the originators of the charter school (parents and staff) if there are more applicants than the approved number of students. In the event of an excess number of student applicants, the charter school and the School Board shall attempt to accommodate the students by considering additional classroom space and/or additional teachers. If it is not possible to accommodate all eligible students, students shall be selected by a drawing regulated by the adopted Anchorage School District's Lottery Procedures (School Board Policy 332.3).~~

~~A statement of non-discrimination in the school's admission's policies and procedures and its educational program consistent with school district, state and federal requirements.~~

~~An Anchorage School District student may not be required to attend a charter school.~~

~~The application to establish a charter school shall specify the application procedure for students, include a copy of the student application form, and specify the timelines for application, approvals, and notification. In the case of a multi year charter school, the contract must also contain provisions for handling the~~

~~admissions procedures for continuing students from one school year to the next.~~

~~8. Administrative Policies~~

~~The application form must include administrative policies to be followed by the charter school. A charter school may adopt, or apply in writing to exempt itself from, local School Board policies and administrative regulations. These will be discussed during the Administrative Review and at the School Board Work Session. Any Board approved exemptions must be specified in the contract. The most current copies of School Board Policies and Administrative Procedures Manuals will be provided to each charter school during the initial administrative meeting and after any subsequent changes. A complete listing of School Board policies and administrative procedures is available at the school district administration offices (Public Affairs and the Assistant Superintendent for Instruction), at each school library in the District, and on the ASD Web Site (policies only).~~

~~To the extent permitted by Alaska laws and regulations, charter schools may apply for a waiver from state regulations except that a charter school must comply with all local, state and federal requirements for receipt and use of public money. Any waivers requested by the charter school from state regulations must be included in the contract. Approval for waivers from state regulations will occur at the time the State Board of Education acts on the locally approved application and must be requested by both the charter school and the local School Board. By law, waivers of state statutes are not permitted. Copies of the state statutes and regulations are no longer available from the Alaska Department of Education, but are available for review on the Internet (<http://www.legis.state.ak.us>), at all schools, at the ASD administration offices, and the Loussac Library.~~

~~Requests for waivers to sections of collective bargaining agreements must be initiated by the charter school proposers, which may include informal discussions with the unions. The formal waiver request should be submitted in writing with the application to the Administration and the appropriate union; these will be reviewed administratively as well as by the specific bargaining unit affected by the charter school proposal. Such~~

~~waiver requests and written responses from the appropriate bargaining units and the Administration must be included in the contract prior to approval by the local School Board.~~

~~9. A Statement of the Charter School's Funding Allocation From the Local School Board and Costs Assignable to the Charter School Program Budget, Including an Annual Program Budget~~

~~During the administrative meeting held in accordance with 333.22, the administrative committee shall provide to the charter school representatives an estimated per pupil allocation available from the district for the operation of the charter school. The estimated per pupil allocation shall be computed in a manner consistent with the method in which the district receives revenues from the state less administrative costs retained by the district determined by applying the indirect cost rate approved by the state Department of Education.~~

~~The application subsequently submitted by the charter school shall include an annual program budget proposed by the charter school. The district may allocate additional revenue beyond the per pupil allocation based on the approved program for the charter school; this increase must be approved by the School Board. The School Board shall provide an approved charter school with an annual program budget that is not less than the amount determined in accordance with AS 14.03.260. The charter school budget shall not diminish the per pupil financial support of students enrolled in the remainder of the district's schools.~~

~~A charter school may not charge tuition to students who reside within the school district. Fees charged to students by the charter school, including but not limited to supply and activity fees, shall be retained by the charter school and included in the charter school program budget.~~

~~Actual revenues received by the charter school shall be derived from actual student enrollments in the charter school during the year in which the charter school is operating. The funding allocation set forth in the first paragraph of this section is for purposes of creating a program budget for the charter school for the next school year. Actual student enrollments in the charter school (and revenues generated from those enrollments) shall be~~

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~~ascertained in the same manner that the state of Alaska uses to determine student enrollments and state revenues generated in the school district. Foundation revenues generated for special populations of students, grants and special revenue funds will be available to the charter school as determined by the contract between the School Board and the charter school. Operating revenues will be provided to the charter school as specified in the contract.~~

~~Funds in excess of the per pupil allocation, if any, paid to the charter school by the school district shall be in accordance with the approved annual program budget. If the student enrollment in the charter school is anticipated to fluctuate more than 10% above or below the School Board authorized enrollment, the charter school and the Administration will meet to review the charter school's enrollment and budget. If approved by the Administration, a revised charter school program budget and modification to the contract will be submitted to the School Board for action prior to the Foundation count period. The School Board shall then revise the charter school program budget and contract prior to the Foundation count period.~~

~~If actual enrollment during the Foundation count period is less than the School Board authorized enrollment, the charter school program budget will be adjusted accordingly.~~

~~All costs for operating a public school in the school district shall be assigned to the charter school subject to restrictions imposed in the charter school law and the terms of the contract between the School Board and the charter school. Except for services provided by district administration as determined by the state Department of Education indirect cost rate, all supplies, equipment, and services provided directly by the district to the charter school shall be charged to the charter school at the district's cost. All equipment and supplies purchased by the charter school become the property of the school district upon the completion or termination of the charter school contract. (School Board Policy 833).~~

~~The established charter school shall annually submit a balanced program budget by November 15 of each year which shows the expected revenues and expenditures for the charter school for the next school year. The budget for the following year shall be limited~~

~~to student enrollment of the current year unless School Board approval for a change in school enrollment occurs by October 1 of the current school year. This annual budget shall be approved by the School Board during annual budget deliberations. Adjustments to the charter school budget may be necessary if the estimated revenues are revised due to School Board, legislative and/or Assembly action.~~

~~10. Method by Which the Charter School Shall Account for Receipts and Expenditures~~

~~This shall include a description of how the charter school will be in compliance with AS 14.17.910 Restrictions Governing Receipt and Expenditure of Money from Public School Foundation Account. The charter school will account for receipts and expenditures by using and complying with district accounting, audit, and fiscal procedures. Requests for waivers may be considered. The charter school agrees that it will comply with local, state, and federal requirements for receipt and use of public money. The charter school shall allow district personnel or the district's auditors access to financial information to perform the annual or special audits and accounting information. The charter school shall cooperate with the School Board or the Department of Education in complying with the requirements of AS 14.17.910.~~

~~11. Location and Description of the Facility~~

~~The application form shall contain the mailing and physical address and a description of the location and facility used to house the charter school, if known. This must include a description of how the facility will be obtained and maintained; any contracted services and the proposed contractor must be included. If district space is requested, this request should be noted on the application. In addition, specific parameters should be noted in writing by the charter school; for example: whether space is preferred at an elementary, middle, or high school, geographic limitations, joint use of specific facilities and/or programs.~~

~~A charter school may be operated in an existing school district facility or in a facility within the school district that is not currently being used as a public school. Any non-district facility that is used for a charter school must meet and maintain the federal, state and~~

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~~local building, fire, health, and safety requirements applicable to other public schools in the district. A statement must be provided that the charter school will maintain that status. The Superintendent shall make the determination of code compliance based on inspections made by the Municipality of Anchorage code enforcement authorities which are paid for by the charter school proposers. A certificate of occupancy must be issued by the Municipality of Anchorage prior to a charter school opening its doors for students.~~

~~A charter school using a private home or homes is subject to the applicable federal, state, and local building, fire, health, and safety requirements. The Superintendent or designee will make this determination after consultation with appropriate Municipality of Anchorage officials.~~

~~The charter school shall be responsible for obtaining these inspections and shall be responsible for correcting any deficiencies in non-district facilities. The charter school shall maintain code compliance in district and non-district facilities during the duration of the contract.~~

~~A charter school using non-District facilities may only enter into a lease agreement with a property owner after review and approval by the Purchasing Department and ASD attorneys within 10 school/working days. A cancellation clause will be part of the lease agreement. Rented/leased space must be cleaned by District custodians unless a waiver is secured from Local 71 or the lease itself includes custodial service.~~

~~Charter schools proposing to use district facilities which are already in use as public schools may do so only with the approval of the School Board. A housing/ space analysis will be conducted annually by the Administration in conjunction with the development of the Six-Year Capital Improvement Plan (CIP); it will be updated during September of each school year. The CIP and the Space Analysis will be provided to the charter school proposers and each school when available.~~

~~The use of district facilities, or privately owned structures (relocatables) which meet the current state and municipal codes for schools, for the charter school shall be discussed during the Board's~~

~~work session with the charter school proposers. As much as possible, the projections in the Capital Improvement Plan (CIP) will be used to ascertain long range space availability. In addition, the District will make available a list from the CIP showing all ASD sites which have the ability to house relocatables on the site. Available space for relocatables on a specific school site does not guarantee housing at that site for a charter school; it is one of several factors considered by the Administration in determining housing availability for charter schools. The charter school will pay for district custodial and utility services based on the number of square feet used in the school, or on the site. In addition, the charter school will pay for building maintenance costs directly related to the charter school program.~~

~~If a charter school is approved by the School Board and the State Board of Education, and district space is requested, the Administration and the charter school will meet to determine issues surrounding housing of the charter school. In addition, a charter school which proposes to utilize space in an existing district school, or on district property, shall meet with the principal, the Executive Board of the PTA or other parent organization of that school, representatives of the staff and students, and the appropriate Instructional Division Executive Director, and come to a mutual agreement regarding the charter school's observance of school rules and policies regarding student discipline, equipment, use of space, and other issues of mutual concern.~~

~~For charter schools requesting the use of space in an existing district facility, or on district property, the administration will annually determine if the amount of space requested by the charter school will be available based on enrollment projections, administrative needs, and school capacity.~~

~~A location for the charter school must be identified by the charter school and approved by the administration no later than sixty (60) days prior to the beginning of the school year.~~

~~12. Teachers/Administrators in the Charter School~~

~~The application form shall contain the names of the potential teacher or teachers who will teach in the charter school, if known. It is understood that this shall not be a firm commitment, but an~~

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~~indication of interested and qualified teachers. Teachers who are listed on the application maintain their current placement with the district until such time that they request and are granted a transfer. All teachers in the charter school shall be selected from current teachers employed by the Anchorage School District or from the Anchorage School District's Eligible to Hire pool of approved teacher candidates.~~

~~The application form shall identify whether a principal will be employed and shall include the name of the principal if known. The principal must possess a current Alaska Type B Administrative Certificate and be either an existing principal in the ASD or be on the district's Eligible for Hire list for administrators. A retired district administrator may serve as a charter school principal if the administrator left the district in good standing, had satisfactory performance evaluations, and has maintained a current Type B certificate. If the charter school desires to contract with a principal who is currently employed as a principal within the ASD, the Superintendent's approval is required prior to entering into the contract.~~

~~If the employment of a principal is not anticipated, the charter school shall identify who, by title and name if known, will perform the administrative functions of the charter school including the keeping of financial records; the evaluation of staff; the submission of appropriate information as required by the Administration; the oversight of the charter school to ensure that the terms of the contract are being met; meeting regularly with parents, teachers/staff, and students to review, evaluate, and improve operations of the charter school; and meeting with the Academic Policy Committee at least quarterly to monitor progress in achieving the Committee's policies and goals.~~

~~A teacher or principal may not be assigned to a charter school unless the teacher or principal consents to the assignment.~~

~~All provisions of the existing negotiated agreements with the Anchorage Education Association and the Anchorage Principals' Association apply to teachers and principals in the charter school, unless the Administration, the local School Board, and the appropriate bargaining unit agree to a waiver for the charter school. A request for a waiver to the negotiated agreement shall be~~

~~initiated by the charter school proposers and submitted in writing as part of their proposal prior to the administrative review. The charter school proposers shall meet with the Administration, and the Anchorage Education Association, or Anchorage Principals' Association, as appropriate, to discuss the waiver and, if agreeable, the charter school shall obtain a letter from the appropriate Association indicating their intent to allow the waiver. A description of the waiver and the letter from the Association shall be included in the application. This waiver will not set a precedent for any other school staff.~~

~~Charter school professional staff shall be evaluated in an equivalent manner as all other teachers and administrators in the district. If the proposed evaluation procedures are not identical to the district's procedures, then the charter school proposers shall include a detailed description of the evaluation procedures to be used in the charter school. The Performance Standards adopted by the State Board of Education and the Anchorage School District for teachers and administrators must be included in any alternative evaluation procedures which are proposed. However, a charter school may develop additional performance standards which are relevant to the educational program of the charter school.~~

13. Other Staff in a Charter School

~~The application form shall also describe the positions of any other employees in the charter school. All bargaining agreements (TOTEM, Local 71, ACE, Teamsters, etc.) must be honored for any employees employed at a charter school unless specific waivers have been granted by the administration, the bargaining unit, and the School Board. A request for a waiver to the negotiated agreement shall be initiated by the charter school proposers and submitted in writing as part of their proposal prior to the administrative review. The charter school proposers shall meet with the administration and the specific bargaining unit to discuss the waiver and, if agreeable, the charter school shall obtain a letter from the bargaining unit indicating their intent to allow the waiver. A description of the waiver and the letter from the appropriate bargaining unit shall be included in the application. This waiver will not set a precedent for any other school staff.~~

14. Pupil Teacher Ratio

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~~The application form for establishing a charter school shall specify the projected number of students and pupil teacher ratio. This shall be determined by dividing the number of full-time equivalent students in the charter school by the number of full-time equivalent teachers in the charter school. For the purposes of the application, the pupil teacher ratio shall use the estimated number of full-time equivalent students in the numerator of this equation. Include in the application a description of how this estimate was determined.~~

15. Number of Students Served

~~The application form will include an estimated number of students served (specify both the full-time equivalent number of students and the headcount number of students) by the charter school for the next school year. Special education should be listed by level of service as is the current practice for all schools. The anticipated number of Bilingual students shall also be identified. The charter school shall provide to the school district administration the names of the students who have pre-registered for the charter school prior to the starting date of the charter school each year. Membership, and waiting list information, will be monitored on a monthly basis and reported on the District's monthly membership report.~~

16. Transportation

~~A description of how the charter school will accommodate student transportation services is required. If there is a proposed contract and/or contractor for those services, this information and a budget must be attached to the application.~~

17. Food Service

~~A description of how the charter school will accommodate student nutrition services is required. If meals are to be provided at the charter school, a description and a budget must be provided with the application.~~

18. The Term of the Contract

~~The application form will include a specification of the term of the contract. No charter school may exceed a five (5) year contract. A charter school may apply for a contract extension or reapply for a~~

~~new contract during the last year of the existing contract period. No contract term may extend beyond July 1, 2005.~~

~~19. A Termination Clause~~

~~The application form will include a termination clause providing that the contract may be terminated by the School Board for the failure of the charter school to meet educational achievement goals or fiscal management standards, or for other good cause. The School Board shall provide written notice to the charter school of its intent to terminate this contract and the reasons therefore. The charter school may also terminate the contract on an annual basis. In such event, the charter school must notify the District by February 1 of a given school year of its intent to cease operations the following school year. This date may be waived under extreme circumstances by action of the School Board upon a recommendation of the Superintendent.~~

~~20. A Certification of Compliance for Receipt and Use of Public Money~~

~~The application must include a certification that the charter school will comply with all local, state and federal requirements for the receipt and use of public money.~~

~~21. Other Requirements or Exemptions~~

~~If there are additional provisions that either the charter school or the local School Board wish to include in the contract, then they should be included in this section of the application form. Additional provisions may include other requirements imposed by either the charter school or the local School Board, or may include other waivers to exempt the charter school from School Board policies and regulations. These additional provisions of the contract must also be agreed upon by both the charter school and the local School Board. State regulations may only be waived by action of the State Board of Education at the request of the School Board; state statutes may only be changed by action of the State Legislature.~~

~~22. Risk Management~~

~~The charter school shall adequately protect against liability and risk through an active risk management program.~~

~~The risk management program shall include purchase of insurance coverages as required by the Anchorage School District Risk Manager. Minimum coverages and levels of appropriate coverage shall be established in the contract between the charter school and the School Board. The charter school shall operate in such a manner as to minimize the risk of injury or harm to students, employees, and others. School operations and activities shall be reviewed by the Anchorage School District Risk Manager for compliance with appropriate local, state and federal safety practices/codes and School Board policies. Copies of all pertinent documents shall be on file in the Risk Management Office.~~

~~23. Breach of Contract~~

~~Failure to comply with the provisions of the contract between the charter school and the local School Board is considered a breach of contract and may result in the termination of the charter school. During the charter school's annual review with the School Board, compliance with the provisions of the contract will be monitored. If any allegations of noncompliance with the charter school contract (either by the charter school or by the school district) are presented either during the annual review or at any other time, then the School Board, through the Superintendent or designee, shall investigate these allegations. Any legal costs incurred as a result of an investigation would be borne by the charter school, if noncompliance is verified. Prior to canceling the charter school contract, the School Board and the charter school shall attempt to remedy any violations of the contract.~~

~~(Section 333.3 J—Revised May 19, 2003)~~

~~333.4 The Academic Policy Committee~~

~~Each application for a charter school shall include a description of the procedures used to establish an Academic Policy Committee. The Academic Policy Committee shall consist of parents of students attending (or planning to attend) the charter school, secondary students (grades 9-12) at the charter school (or students who plan to enroll at the school), teachers at the charter school (or teachers who agree to teach at the charter school), and employees of the charter school (or employees who agree to work at the charter school). It may also include other community members. A list of the members of the organizing Academic Policy~~

~~Committee must be provided in the application as described in 333.3 (c) above. If members of this committee change, the Assistant Superintendent for Instruction must be notified in writing within 10 working/school days.~~

~~The Academic Policy Committee of the charter school shall supervise the academic operation of the charter school and ensure the fulfillment of the mission of the charter school.~~

~~The Academic Policy Committee shall be responsible for ensuring that the charter school preserves the confidentiality of records relating to charter school students and personnel. Student records are confidential and may not be disclosed absent parental consent under federal and state law and the Anchorage School District's student records policies (School Board Policy 343.3 – 343.38). Personnel records are confidential under state law and applicable provisions of the negotiated agreements governing charter school employees.~~

~~The Academic Policy Committee shall select the principal/administrator of the charter school. The principal shall select, appoint, or otherwise supervise employees of the charter school. The principal may hold another position in the school concurrently, such as a teacher, or may be a contract employee.~~

~~If the termination, or non-retention of either a tenured or non-tenured charter school teacher or administrator is contemplated, the action must be coordinated with the Labor Relations office to insure compliance with statutory due process requirements.~~

~~The person selected by the Academic Policy Committee to be the principal must have a current Type B certificate and be either a retired principal, an existing principal in the ASD, or be on the Anchorage School District's Eligible for Hire list for administrators. The contracted principal must be available to do regular on-site observations of the staff in order to monitor compliance with required Performance Standards. If a contract principal is currently employed as a principal within the ASD, the Superintendent's approval is required prior to entering into the contract.~~

333.5 Charter School Contract with the Local School Board

~~Each application for a charter school must include a proposed contract with the local School Board. The charter school shall operate under the provisions of this contract as mutually agreed upon by the local School Board and the charter school. The contract must include all the provisions~~

~~listed in the application form and described in policy 333.3. During the work session with the School Board, provisions of the application may be revised by mutual consent. The contract will reference the final revised form of the application.~~

~~Upon approval of the charter school by the local School Board and the State Board of Education, the contract will be signed by the president of the local School Board and the legally designated representative of the charter school. If the legal representative(s) of the charter school changes, the Assistant Superintendent for Instruction must be notified immediately in writing within 10 working/school days.~~

~~The contract between the charter school and the local School Board shall reflect all agreements regarding the operation of the charter school. Any revisions of the terms of the contract may be made only with the approval of the School Board and the governing body of the charter school. The contract will take effect upon State Board of Education approval of the application.~~

~~Once a charter school receives final approval, the Assistant Superintendent for Instruction, the Chief Financial Officer, the Budget Director, and the appropriate Instructional Division Executive Directors will meet with the Academic Policy Committee of the charter school to determine appropriate roles, responsibilities, and procedures so that a cooperative working relationship will be established.~~

333.6 State Notification of a Charter School Application

~~Within 20 school/working days of the School Board's action to approve or disapprove a charter school application, the District will submit a copy of the charter school application and the action taken by the local School Board to the Commissioner of Education for forwarding to the State Board of Education for review and possible action.~~

333.7 Annual Review of the Charter School

~~Once approved by both the local and State Boards of Education, the charter school will be subject to an annual review of its operations and finances by the School Board. Annually, the charter school will submit a written report and make a presentation to the School Board and the public no later than June 30 of each school year. This report will include information on the attainment of student performance expectations, recommendations for remediation of poor student performance, school~~

~~goal attainment, trends in student/staff enrollment and mobility, a list of working capital assets, an end of year preliminary financial statement showing revenues and expenditures, minutes of the meetings of the governing bodies of the charter school, descriptions of charter school activities, copies of any leases signed by the charter school, current bylaws of the Academic Policy Committee, notification of establishment of nonprofit 501 (c) (3) status, list of officers in any PTA/PTO or other parent organization, any changes in facility location, any major changes planned for the following school year, and other information of interest to the local School Board. A list of the Academic Policy Committee for the past and coming school year, including officers, and staff members by position will be included.~~

~~If there is evidence of a breach of contract, then the School Board, through the Superintendent or designee, shall have a right to investigate this breach of contract and meet with the charter school to discuss possible remedies and/or possible termination of the contract.~~

333.8 Organization of a Charter School

~~A charter school operates as a school in the local school district except that a charter school:~~

- ~~1. is exempt from the local school district's textbook, program, curriculum, and scheduling requirements. All other rules, regulations, and policies, unless specifically waived, will be followed by students, staff, and parents;~~
- ~~2. is exempt from AS 14.14.130(c) which states that the chief school administrator "shall select, appoint, and otherwise control all school district employees that serve under the chief school administrator subject to the approval of the School Board;"~~
- ~~3. operates under the charter school's annual program budget as set out in the contract between the local School Board and the charter school;~~
- ~~4. shall designate a contact person for all communications between the charter school and the Assistant Superintendent for Instruction;~~

333.9 Operation of a Charter School

~~The charter school principal/administrator:~~

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- ~~1. shall keep financial records of the charter school and submit appropriate information as required by the district administration;~~
- ~~2. shall oversee the operation of the charter school to ensure that the terms of the contract are being met;~~
- ~~3. shall meet regularly with parents and with teachers/staff and students, where appropriate, of the charter school to review, evaluate, and improve operations of the charter school;~~
- ~~4. shall meet with the Academic Policy Committee at least quarterly each year to monitor progress in achieving the committee's policies and goals;~~
- ~~5. shall evaluate all staff, only if the principal/administrator possesses a Type B certificate, according to district approved practices and in conformance with AS 14.20.149 and the State Board of Education and Anchorage School District Performance Standards.~~
- ~~6. The principal/administrator shall select, appoint, or otherwise supervise employees of the charter school. The principal/administrator may hold another position in the school concurrently, such as a teacher, or may be a contract employee.~~

~~If the termination, or non-retention of either a tenured or nontenured charter school teacher or administrator, is contemplated, the action must be coordinated with the Labor Relations office to insure compliance with statutory due process requirements.~~

~~The charter school lead teacher/headmaster:~~

- ~~1. The Academic Policy Committee may designate specific activities which will be the purview of a lead teacher/headmaster of the charter school. The principal and the lead teacher will write an agreement which clearly delineates the tasks appropriate for each position.~~
- ~~2. Under no circumstances will the lead teacher/headmaster evaluate the staff unless a waiver has been approved by the School Board and the Anchorage Education Association and the Anchorage Principals' Association.~~

333.10 Evaluation of Charter School Personnel

~~Charter school professional staff shall be evaluated in an equivalent manner as other professional staff in the district and in conformance with AS 14.20.149 and Performance Standards for teachers and administrators adopted by the State Department of Education and the Anchorage School District. The evaluation procedures for professional staff shall be identical to the district's procedures unless an alternative procedure has been agreed to in the charter school contract.~~

~~State law, AS 14.20.149, limits those individuals who may conduct evaluations of public school teachers and administrators. This statute provides: "A person may not conduct an evaluation under this section unless the person holds a type B certificate or is a site administrator under the supervision of a person with a type B certificate, is employed by the school district as an administrator, and has completed training in the use of the school district's teacher evaluation system."~~

~~1. Teacher Evaluation~~

~~Charter school teachers shall be evaluated by the charter school principal holding a current Type B certificate if one is employed by the charter school. If the charter school principal is also a teacher in the charter school, however, the principal may not conduct teacher evaluations under the terms of the Anchorage Education Association's negotiated agreement without an agreed to waiver.~~

~~If the charter school's principal is ineligible to conduct evaluations or the charter school does not employ a Type B certificated principal, the charter school may contract with an administrator possessing a current Type B certificate for the purpose of conducting teacher evaluations. The individual must meet the requirements for an evaluator set forth at AS 14.20.149 and must be available to do regular on-site observations.~~

~~If the charter school has neither a full-time principal eligible to conduct evaluations, nor a contract principal, nor a contract evaluator, the district, in cooperation with the charter school, will designate a school district administrator to evaluate the charter school teachers. Pertaining to the above situation, a written agreement identifying the evaluator will be signed by the district~~

~~and the charter school's Academic Policy Committee prior to the beginning of the school year.~~

~~2. Principal/Administrator Evaluation~~

~~Evaluation of the charter school administrator is the responsibility of the Academic Policy Committee. The Committee shall demonstrate to the district that the individual conducting the evaluation meets the requirements of AS 14.20.149. These requirements may be met by having a Type B certificated administrator on the Academic Policy Committee, by contracting with such an individual, or by other means as agreed to by the charter school and the Administration.~~

~~The Academic Policy Committee shall ensure that during the evaluation process, the ASD administration will have the opportunity to provide written information on the performance of the administrator, including the administrator's performance in meeting obligations set forth in the charter school contract.~~

~~Prior to the beginning of each school year, a written agreement will be entered into between the ASD administration and the Academic Policy Committee identifying how the Academic Policy Committee will meet the obligations of AS 14.20.149 for conducting the administrator's evaluation, as well as identifying the procedures for obtaining district administration input into the evaluation. This agreement may be extended by mutual consent annually for the duration of the charter school contract.~~

~~3. Principal Teacher Evaluation (Dual Roles)~~

~~If the charter school administrator performs both administrative and teaching functions, the procedures for evaluation shall be those for a principal/administrator identified above. However, the district administration will determine the appropriate evaluation instrument to be used which will most accurately allow for an evaluation of both teaching and administrative duties based on District performance standards.~~

~~4. Confidentiality of Evaluations~~

~~Certificated employee evaluations are confidential and may not be publicly disclosed, including disclosure to members of the~~

~~Academic Policy Committee, absent a written waiver signed and dated by the employee. The Academic Policy Committee may request that a teacher or principal/administrator waive confidentiality so that the evaluation may be shared with the Academic Policy Committee.~~

~~If a waiver is not obtained, the Type B certificated evaluator performing the evaluation of charter school personnel shall work in an advisory capacity with the Academic Policy Committee to assist the Committee in making informed decisions regarding the employment of Charter School personnel. The details of this working relationship should be agreed to in writing between the evaluator and the Academic Policy Committee.~~

333.11 Definitions

~~"Eligible for hire list of approved teacher/administrator candidates" means the list of persons who have applied to be teachers/administrators in the district and who have passed the personnel office's screening, interviewing, and reference checks and are eligible to be hired by a building principal, or in the case of the principal, the Academic Policy Committee. Retired teachers and administrators will be considered on the Eligible for Hire List if they have a current Type B certificate, have received satisfactory performance evaluations, and have left the District in good standing.~~

~~"Employees" of charter schools are considered employees of the Anchorage School District with all rights guaranteed by their respective collective bargaining agreements unless specifically waived by mutual agreement between the appropriate bargaining unit and the School Board.~~

~~"Administrator" means a person selected by the Academic Policy Committee to perform the administrative functions of the charter school including the keeping of financial records; the submission of appropriate information as required by the district administration; the oversight of the charter school to ensure that the terms of the contract are being met; meeting regularly with parents and teachers/staff and students to review, evaluate, and improve operations of the charter school; and meeting with the Academic Policy Committee at least quarterly to monitor progress in achieving the committee's policies and goals. The administrator may be a Type B certificated principal, a head teacher, headmaster, or other title as established by the charter school. An administrator who does not possess~~

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~~a current Type B administrative certificate may not conduct employee evaluations. The school district assumes no responsibility for employing this person after the termination of the charter school contract unless the person is also employed as a teacher.~~

~~"Principal" means a person selected by the Academic Policy Committee to select, appoint, or otherwise supervise employees of the charter school. This person is required to possess a current Alaska Type B Administrative Certificate in the Anchorage School District. The school district assumes no responsibility for employing this person after the termination of the charter school contract unless the person is also employed as a teacher.~~

~~"Per pupil allocation" means the funding generated, calculated on a per student basis, using the formula for basic need defined in AS 14.17.410.~~

~~(Section 333 – Revised January 25, 1999)~~

CHARTER SCHOOLS

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333 Charter Schools

Charter schools are schools established under AS 14.03.250 and that operate within the public school district. Charter schools are established upon the approval of an application for a charter school by the School Board and the State Board of Education and Early Development. Charter schools shall operate under a written contract between the charter school and the School Board. All charter schools must be non-sectarian.

333.1 Organization of a Charter School

A charter school operates as a school in the District except that a charter school:

- a. is exempt from the District's textbook, program, curriculum, and scheduling requirements; all other rules, regulations, and policies, unless specifically waived, will be followed by students, staff, and parents;
- b. the principal of the charter school shall be selected by the Academic Policy Committee and shall select, appoint, or otherwise supervise employees of the charter school;

Note: AS 14.03.255(a) exempts charter schools from the legal requirements of AS 14.14.130(c) - a statute providing that the superintendent selects and controls all school district employees.

- c. operates under the charter school's annual program budget as set out in the contract between the School Board and the charter school Academic Policy Committee;
- d. shall designate a contact person for all communications between the charter school and the Superintendent or designee;
- e. may organize as a nonprofit corporation pursuant to the Alaska Nonprofit Corporations Act, AS 10.20.005 et. seq. Organization as a nonprofit corporation shall not affect the charter school's status as a public school in the District. A charter school organized as a nonprofit corporation, but not a distinct nonprofit corporation organized to support the school, must include in its articles of incorporation a provision specifying that upon dissolution, voluntary or otherwise, assets of the corporation

not required for discharge of existing liabilities and obligations of the charter school, shall be returned/transferred to the District.

Note: Academic Policy Committee members are encouraged to seek legal advice regarding the potential benefits to the Academic Policy Committee and the charter school in incorporating.

333.2 Communication

- a. Charter schools are an integral part of the Anchorage School District. Open communication between the charter school and the District is essential to the effective functioning of each.
- b. The District shall
 - (1) respond in a timely manner to requests for information from the charter school.
 - (2) develop materials such as calendars, time lines, or forms to assist charter schools in meeting district deadlines and reports.
 - (3) invite charter school employees to participate in District sponsored professional development workshops and programs.
- c. The Charter School shall
 - (1) respond in a timely manner to requests for information from the District.
 - (2) designate a contact person as the primary contact between the charter school and the District administration.

333.3 Establishing a New Charter School

The School Board shall accept applications for charter schools in accordance with the application procedure set forth in this policy.

a. Notice of Intent

Any person(s) wishing to establish a charter school shall notify the Superintendent of their intention at their earliest convenience but no later than August 1 of the year the application will be submitted.

b. Application Submission

Applications for charter schools shall be submitted to the District no later than October 1 of the school year prior to the school year the charter school is proposed to begin operation. Applications received after the October 1 deadline shall not be considered until the next school year. All charter schools shall begin operations as specified in the charter school application.

333.4 Application Procedure for Establishing a Charter School

An individual, group or organization shall follow the steps delineated in 333.5 through 333.6 in applying to establish a charter school in the Anchorage School District.

333.5 Application Form

A charter school application must include the following information in writing:

- a. Name of the proposed charter school
- b. Name, address, and telephone number of a designated contact person authorized to act for the charter school applicants
- c. Provisions for an Academic Policy Committee

<p><i>Note:</i> The Academic Policy Committee must comply with Board Policy 333.9.1(a).</p>

The application must provide:

- (1) the names, mailing addresses, and phone numbers of the members of the Academic Policy Committee proposing the charter school;

Note: It is recommended that the Academic Policy Committee have expertise in the following areas: budget and finance, curriculum and instruction, fund-raising/grant writing, volunteer recruitment, public relations, office management, facility acquisition and management, library science, and, knowledge of school laws or legal expertise.

- (2) a letter signed by each member of the original Academic Policy Committee attesting to their knowledge of their responsibilities toward the development and operation of the charter school;
- (3) identification of procedures for the election/appointment of Academic Policy Committee members and their length of service.

d. Description of Organizational Structure

The application must include:

- (1) the proposed organizational type and structure of the charter school;
- (2) copies of proposed organizational documents, if any, including articles, bylaws, or similar organizational documents;
- (3) a statement of proposed principles and guidelines to create a cooperative working relationship between the District and the charter school; these principles and guidelines must accommodate both the supervisory authority and responsibility of the School Board under state law and policy as well as an appropriate level of autonomy and self-determination for the charter school.

e. Description of the Educational Program

The application must include:

- (1) a statement of the program mission and philosophy: explain the purpose of the program, for whom it is established, and what the intended student performance and performance targets will be for students enrolled in this charter school;

- (2) an estimate of the demand for this charter school and the basis for the estimate;
- (3) a statement of the goals for this charter school and a description of the process used to identify the goals;
- (4) the curriculum in each subject matter area of the charter school (including educational/academic goals, State and District Content and Performance Standards, program of study, scope and sequence, instructional methods and materials, and evaluation procedures to be used);
- (5) identification of any vocational courses to be offered in the charter school (if grades 9 through 12 are included);
- (6) scheduling requirements (length of the school day with start and end times and a calendar for the school year);
- (7) a description of the delivery model for specialized services, including, but not limited to, special education and required related services, gifted education, and English as a second language.

Note: The school calendar needs to be approved by the School Board and the Department of Education and Early Development.

f. Admission Policies and Procedures

The application must include:

- (1) the annual calendar of registration and admission dates;
- (2) the proposed program for application and admission, including the school's plan for academically low-achieving students, diverse student populations, "at risk" students (those students who because of physical, emotional, socioeconomic or cultural factors are less likely to succeed in school), and students who need specialized services;
- (3) a statement affirming that any eligible student who applies in a timely manner will be admitted, subject to

the maximum number of students identified in the proposal

- a) During the first year of operation, a preference for enrollment may be given to the children of the originators of the charter school (parents and staff) if there are more applicants than the approved number of students.
- b) As specified in law, in the event of an excess number of student applicants, the charter school and the School Board shall attempt to accommodate the students by considering additional classroom space and/or additional teachers. If it is not feasible to accommodate all eligible students, students shall be selected through the Anchorage School District's Lottery Procedures.
- c) The District may not require a student to enroll in a charter school.

Note: The District's lottery procedures are found at School Board Policy 332.3. Applicable charter school law regarding enrollment is found at AS 14.03.265.

- (4) a statement of non-discrimination in the school's admissions policies, procedures, and educational program consistent with District, state and federal requirements;
 - (5) the application procedure for students, including a copy of the student application form, and the timelines for application, approvals, and notification;
 - (6) in the case of a multi-year charter school, provisions for handling the admissions procedures for continuing students from one school year to the next.
- g. Administrative Policies

The application must include:

- (1) administrative policies to be followed by the charter school;
- (2) requested exemptions from specified School Board policies and/or administrative regulations;

Note: Requested waivers will be discussed during the Administrative Review and at the School Board Work Session. Any Board approved exemptions must be specified in the contract. The most current copies of School Board Policies and Administrative Procedures Manuals will be provided to each charter school during the initial administrative meeting and after any subsequent changes. If desired before then, a complete listing of School Board policies and administrative procedures is available at the District administration offices (Public Affairs and the Assistant Superintendent for Instruction), at each school library in the District, and on the District Web Site (policies only).

- (3) requests for waivers from state regulations except that a charter school must comply with all local, state and federal requirements for receipt and use of public money;

Note: Approval for waivers from state regulations will occur at the time the State Board of Education and Early Development acts on the locally approved application and must be requested by both the charter applicants and the School Board. By law, waivers of state statutes are not permitted. Copies of the state statutes and regulations are available for review on the Internet (<http://www.legis.state.ak.us>), at all schools, at the District administration offices, and the Loussac Library.

- (4) requests for waivers from sections of applicable collective bargaining agreements
 - a) All provisions of the existing negotiated agreements apply to employees in the charter school unless the District and the bargaining unit agree to a waiver.
 - b) Requests for waivers must be initiated by the charter school proposers, which may include informal discussions with the unions. The formal waiver request should be submitted in writing with the application to the Superintendent and the appropriate union; these will be reviewed

administratively as well as by the specific bargaining unit affected by the charter school proposal.

- c) Waiver requests and written responses from the appropriate bargaining units and the Superintendent must be submitted to the School Board prior to approval of the contract.
- d) No waiver will set a binding precedent for any other school staff.

h. Funding Allocation and Annual Program Budget

- (1) During the administrative meeting held in accordance with Policy 333.51, the administrative committee shall provide to the charter school representatives an estimated per pupil allocation available from the District for the first year of operation of the charter school.
- (2) The estimated per pupil allocation shall be computed in a manner consistent with the method by which the District receives revenues from the State less administrative costs retained by the District determined by applying the indirect cost rate approved by the Department of Education and Early Development.
- (3) The District may allocate additional revenue beyond the per pupil allocation based on the approved program for the charter school; this increase must be approved by the School Board annually. The School Board shall provide an approved charter school with an annual program budget that is not less than the amount determined in accordance with AS 14.03.260.

Note: AS 14.03.260 provides that the charter school budget “shall be not less than the amount generated by the students enrolled in the charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the Department of Education and Early Development. The ‘amount generated by students enrolled in the charter school’ is to be determined in the same manner as it would be for a student enrolled in another public school in that school district.”

- (4) The application subsequently submitted by the charter school shall include an annual program budget proposed by the charter school.
- (5) Actual revenues received by the charter school shall be derived from actual student enrollments in the charter school during the year in which the charter school is operating and by state funding for that year.
- (6) Actual student enrollments in the charter school (and revenues generated from those enrollments) shall be ascertained in the same manner that the state of Alaska uses to determine student enrollments and state revenues generated in the District.
- (7) Foundation revenues generated for special populations of students, grants and special revenue funds will be available to the charter school as determined by the contract between the School Board and the Academic Policy Committee.
- (8) Operating revenues will be provided to the charter school as specified in the contract.

i. Method by Which the Charter School Shall Account for Receipts and Expenditures

The application must include:

- (1) a description of how the charter school will be in compliance with AS 14.17.910 Restrictions Governing Receipt and Expenditure of Money from Public School Foundation Account;
- (2) a description of how the charter school will account for receipts and expenditures by using and complying with District accounting, audit, and fiscal procedures;
- (3) a request for waivers to be considered;
- (4) an assurance that all leases, debts, and other financial obligations of the charter school shall not constitute a

debt, liability, or financial obligation of the School Board or the District.

j. Location and Description of the Facility

The application must include:

- (1) the mailing and physical address and a description of the location and facility used to house the charter school, if known;
- (2) a description of how the facility will be obtained and maintained, any contracted services, and the identity of the proposed contractor;
- (3) notice of whether or not District space is requested; and, if so:
 - a) specific parameters such as whether space is preferred at an elementary, middle, or high school, relocatables, geographic limitations, joint use of specific facilities and/or programs;
 - b) acknowledgement that the District will make available district space that is suitable for charter school use only if doing so does not cause undue interference with an existing District program; charter schools proposing to use District facilities which are already in use as public schools may do so only with the approval of the Superintendent;
 - c) acknowledgement that a charter school operating in District facilities will pay not more than the fair market rental value of the space used and not less than the full operation and maintenance cost to the District including custodial/utility/maintenance costs directly related to the charter school program, and depreciation;

Note: A housing/space analysis may be conducted by the District in conjunction with the development of the Six-Year Capital Improvement Plan (CIP). Upon request, the District will make available a list from the CIP showing programmatic utilization and capacity of all District sites.

- (4) a statement that the charter school will meet and maintain the federal, state and local building, fire, health, and safety requirements of applicable law.
 - a) The Superintendent or designee shall make the determination of code compliance based on the Municipality of Anchorage code enforcement inspections paid for by the charter school proposers.
 - b) A certificate of occupancy must be issued by the Municipality of Anchorage prior to a charter school opening its doors for students.
 - c) A charter school using a private home or homes is subject to the applicable federal, state, and local building, fire, health, and safety requirements. The Superintendent or designee will make this determination after consultation with appropriate Municipality of Anchorage officials.
 - d) The charter school shall be responsible for obtaining these inspections and for correcting any deficiencies in non-District facilities.
 - e) The charter school shall maintain code compliance in District and non-District facilities during the duration of the contract.

- (5) for a charter school using non-District facilities,
 - a) The charter school may enter into a lease agreement with a property owner only after review and approval of the proposed lease agreement by the District Purchasing Department. Review will occur within 20 school/working days after submission of the proposed agreement to the Purchasing Department. Any renewals, extensions or amendments to a lease agreement shall also be subject to prior approval by the Purchasing Department.

- b) No lease agreement may be entered into without the approval of the charter school's Academic Policy Committee.
- c) Unless the District expressly agrees otherwise in writing, a proposed lease agreement will be not be approved unless the agreement includes: a provision for termination of the lease agreement, without further obligation of the charter school, in the event of a lack of appropriation/funding for the charter school or in the event of termination of the charter school's authorization to operate as a charter school; and, a provision stating the lessor's agreement that the District is not a party to the lease agreement and is not subject to any obligation or liability under the lease agreement.
- d) Rented/leased space must be cleaned by District custodians unless a waiver is secured from the appropriate bargaining unit or the lease itself includes custodial service.

A location for the charter school must be identified by the charter school and approved by the District no later than May 1st of the year the charter school is scheduled to open.

Note: The State Department of Education and Early Development may require that the charter school have an established location prior to State approval of the charter school.

k. Teachers/Administrators in the Charter School

A teacher or principal may not be assigned to a charter school unless the teacher or principal consents to the assignment.

The application shall identify:

- (1) the names of teachers who are interested in teaching in the charter school, if known;
 - a) It is understood that this shall not be a firm commitment, but an indication of interested and qualified teachers.

- b) Current District teachers who are listed on the application maintain their current placement with the District until such time that they request and are granted a transfer. All teachers must meet District eligibility requirements prior to being hired to teach at the charter school, but need not satisfy all requirements at the time of application.
- (2) whether a principal will be employed and may include the name of the principal, if known;
- a) The principal must possess a current Alaska Type B Administrative Certificate and be either an existing principal in the District or be on the District's Eligible for Hire list for administrators. A retired District administrator may serve as a charter school principal if the administrator left the District in good standing, had satisfactory performance evaluations, and has a current Type B certificate.
 - b) If the charter school Academic Policy Committee desires to contract by addendum with a principal who is currently employed as a District principal, the Superintendent's approval is required prior to entering into the contract.
- (3) if the employment of a principal is not anticipated, the charter school Academic Policy Committee shall identify who, by title(s) and name(s) if known, will perform each of the administrative functions of the charter school including:
- a) the keeping of financial records;
 - b) the evaluation of staff;
 - c) the submission of appropriate information as required by the District;
 - d) the oversight of the charter school to ensure that the terms of the contract are being met;

- e) meeting regularly with parents, teachers/staff, and students to review, evaluate, and improve operations of the charter school; and
 - f) meeting with the Academic Policy Committee at least quarterly to monitor progress in achieving the Committee's policies and goals;
- (4) description of evaluation procedures
- a) Charter school certificated staff shall be evaluated in an equivalent manner as other teachers and administrators in equivalent positions in the District.
 - b) If the proposed evaluation procedures for certificated staff are not identical to the District's procedures, then the charter school proposers shall include a detailed description of the evaluation procedures to be used in the charter school. The Performance Standards adopted by the State Board of Education and Early Development and the Anchorage School District for teachers and administrators must be included in any alternative evaluation procedures that are proposed for certificated staff. However, a charter school Academic Policy Committee may develop additional performance standards that are relevant to the educational program of the charter school.
 - c) A charter school that does not hire a certificated administrator may develop its own evaluation procedures for that administrator.

1. Other Staff in a Charter School

The application form shall also describe the positions of any other employees in the charter school.

Note: All bargaining agreements (TOTEM, Local 71, ACE, Teamsters, etc.) must be honored for any employees employed at a charter school unless specific waivers requested by the charter school's Academic Policy Committee have been granted by the District, the bargaining unit, and the School Board. *See* Policy 333.5(g)(4).

m. Pupil-Teacher Ratio

The application shall specify the projected number of students and pupil-teacher ratio. This shall be determined by dividing the number of full-time equivalent students in the charter school by the number of full-time equivalent teachers in the charter school. For the purposes of the application, the pupil-teacher ratio shall use the estimated number of full-time equivalent students in the numerator of this equation.

n. Number of Students Served

The application will include an estimate of the number of students to be served (specify both the full-time equivalent number of students and the headcount number of students) by the charter school for the next school year, how the estimate was determined, and the basis for confidence in the estimate. Special education should be listed by level of service as is the current practice for all schools. The anticipated number of bilingual students shall also be identified.

o. Transportation

The application will include a description of how the charter school will accommodate student transportation. If there is a proposed contract and/or contractor for transportation services, this information and a budget must be attached to the application.

p. Food Service

The application will include a description of whether the charter school will provide student nutrition services. If meals are to be provided by the charter school, a description and a budget must be provided with the application. If meals are not to be provided by the charter school, the application must describe how student nutritional needs will be met. The charter school

contract will specify whether student nutrition services must, may, or may not be provided during the term of the contract.

q. The Term of the Contract

The application will specify the requested term of the contract. No charter school may exceed a ten (10) year contract. A charter school may apply for a contract extension or reapply for a new contract during the last year of the existing contract period, or for good cause at any other time. During the initial contract, the term will generally not exceed five years.

r. A Termination Clause

The draft contract submitted with the application will include a termination clause providing that the contract may be terminated by the School Board for the failure of the charter school to meet educational achievement goals or fiscal management standards, or for other good cause.

s. Certification of Compliance for Receipt and Use of Public Money

The application will include a certification that the charter school will comply with all local, state and federal requirements for the receipt and use of public money.

t. State Requirements

The Charter School must include in its application any information requested by the Alaska Department of Education and Early Development for review of a charter school application.

The application will include any additional submission that may be requested by the Department.

Note: The Alaska Department of Education and Early Development uses a "Charter Schools Application & Rating Template" as part of the state approval process. This should be included in the charter school's application to the School Board. In using this template, charter school applicants may cross-reference to the District application the information sought in the template.

u. Other Requirements or Exemptions

The application should include any additional provisions that the charter school applicant wishes to include in the contract. Additional provisions may include other requirements imposed by either the charter school or the School Board, or may include other waivers to exempt the charter school from School Board policies and regulations. These additional provisions of the contract must also be agreed upon by both the charter school Academic Policy Committee and the School Board. State regulations may only be waived by action of the State Board of Education and Early Development at the request of the School Board; state statutes may only be changed by action of the State Legislature.

333.6 Approval Process

333.61 Administrative Meeting

The Superintendent shall establish an administrative committee to meet with the charter school representatives to review the application procedures, discuss the requirements of the application form and the contract between the charter school and the School Board, and to answer any questions the charter school representatives may have. This meeting shall occur in a timely manner after receiving notification of intent.

Following the initial meeting with the administrative committee, the charter school representatives shall prepare the information required on the application form, and shall prepare a proposed contract between the charter school and the School Board. The required provisions of the contract are the same as the elements required in the application form set forth in section 333.5 of this policy. These documents shall be submitted to the Superintendent no later than October 1 of the school year prior to the school year in which the charter school proposes to begin operations. However, with acceptable rationale, some documents may be submitted later on a mutually agreeable date.

333.62 Administrative Review

Upon the timely receipt of the complete application form and the proposed contract, the administrative review team shall meet to review all aspects of the proposal for compliance with the law and this policy.

- a. The meeting shall be scheduled with the charter school applicants prior to scheduling the School Board work session.
- b. The meeting will include discussion and suggestions to clarify any aspects of the application packet and charter school proposal. The District may recommend changes to the charter school application.

The administrative review and School Board work session will be scheduled to provide the District reasonable time to review and the applicant reasonable time to make clarifications and modifications to the application.

333.63 School Board Work Session

- a. The Superintendent shall notify the School Board of all applications to establish a charter school.
- b. Following the timely receipt of the complete application form and the proposed written contract, and after the administrative review, the Board shall hold a public work session with the charter school representatives and other interested persons.
- c. Prior to the School Board work session, the proposers may submit a revised application clearly showing revisions to the original application and contract that were discussed with the charter school proposers at the administrative review meeting.
- d. During this work session, the charter school representatives shall present their proposal for a charter school and the contract to the School Board for discussion/clarification.

- e. The School Board may seek additional information from the administration or the charter school representatives prior to scheduling formal School Board action. This will allow the charter school representatives to make adjustments, if necessary, before final Board action.

333.64 School Board Action and Public Hearing

- a. Following the work session, the School Board shall place the charter school proposal on the agenda for action no later than the first regularly scheduled School Board meeting in January.
- b. The School Board will take action to approve or deny the request to establish the charter school at this meeting, unless the Board determines that further information is needed.
- c. The approval may set forth conditions which must be met by the charter school prior to finalization of the contract.
- d. A separate opportunity for public testimony may be scheduled pertaining to the charter school application, or the opportunity for public testimony will be given at the meeting where the charter school application is scheduled for action.
- e. The proposers may modify their proposal based on Board or District comments and concerns and submit it in advance of School Board action.
- f. If an application for a charter school is denied by the School Board, the same person, group of people or organization may submit a new application in compliance with the timelines of these policies.

333.65 State Notification of a Charter School Application

Within 20 school/working days of the School Board's action to approve or disapprove a charter school application, the District will submit a copy of the charter school application and the

action taken by the School Board to the Commissioner of Education and Early Development for forwarding to the State Board of Education and Early Development for review and possible action.

Note: The result of School Board action, a copy of the application, supporting documents, and minutes of the School Board meeting will be forwarded to the Commissioner of Education and Early Development for final review and possible action by the State Board of Education and Early Development within 20 working days of Anchorage School Board action. Only those charter school applications approved by the Anchorage School Board will be considered for approval by the State Board of Education and Early Development. (4 AAC 33.110(g)-(i)). Charter school applications denied by the Anchorage School Board will not be considered for approval by the State Board. (4 AAC 33.110(i)).

333.7 Charter School Contract with the School Board

The charter school shall operate under the provisions of a contract as mutually agreed upon by the School Board and the charter school Academic Policy Committee.

- a. The contract must include all the provisions listed in the application form and described in policy 333.5.
- b. The contract will reference the final form of the application including revisions approved by the School Board.
- c. Except for School Board policies that have been expressly waived by the Board, the contract will not supercede any Board policy but will be interpreted consistent with such policy.
- d. The contract shall establish the relationship between the School Board and the charter school and shall reflect all agreements regarding the operation of the charter school.
- e. Any revisions to the terms of the contract may be made only with the approval of the School Board and the charter school Academic Policy Committee.

Upon approval of the charter school by the School Board and the State Board of Education and Early Development, the contract will be signed by the president of the School Board and the legally designated

representative of the charter school. If the legal representative(s) of the charter school changes, the Superintendent or designee must be notified in writing within 10 working/school days.

333.71 Breach of Contract

- a. Failure to comply with the provisions of the contract between the charter school Academic Policy Committee and the School Board is considered a breach of contract and may result in the termination of the contract.
- b. During the charter school's annual review with the School Board, each party's compliance with the provisions of the contract will be reviewed.
- c. If any allegations of noncompliance with the charter school contract (either by the charter school or by the District) are presented either during the annual review or at any other time, then the School Board, through the Superintendent or designee, shall investigate these allegations. Any legal costs incurred as a result of an investigation will be borne by the charter school, if non-compliance by the charter school is verified.
- d. Prior to terminating the charter school contract, the School Board and the charter school Academic Policy Committee shall attempt to remedy any violations of the contract.

333.72 Termination of Contract

The School Board shall provide written notice to the charter school Academic Policy Committee of its intent to terminate the contract and the reasons therefore. The charter school Academic Policy Committee may also terminate the contract on an annual basis. In such event, the Academic Policy Committee must notify the District by February 1 of a given school year of its intent to cease operations the following school year. This date may be waived by action of the School Board upon a recommendation of the Superintendent.

333.8 Modifications to Approved Charter School Contract

The approved charter school contract may be modified at the request of either party by School Board action. Requests for waivers from any provisions of School Board Policy or administrative procedures must be submitted in writing to the Superintendent or designee by the charter school. Requests for waivers may be submitted at any time. The District will review the request within 30 days and issue a timely written recommendation to the School Board. The District will provide notice to the Academic Policy Committee of its recommendation.

Requests for waivers from any provisions of union contract(s) must be submitted in writing by the charter school to both the Superintendent or designee and the appropriate union.

Note: Requests for substantial changes may take a longer time to process by the District and the Board. Charter schools are encouraged to plan ahead for those changes that may involve legal review or State approval.

333.9 Operations

333.91 Management

- a. The Academic Policy Committee
 - (1) The Academic Policy Committee shall consist of parents of students attending the charter school, teachers at the charter school, and employees of the charter school. It may also include other adult community members and students enrolled in the school in grades 9 through 12. A list of the members of the Academic Policy Committee shall be submitted during each annual review as described in section 333.10, below. The Superintendent or designee must be notified in writing within 10 working/school days of changes in the committee membership.
 - (2) The Academic Policy Committee of the charter school shall supervise the operation of the charter school and ensure the fulfillment of its mission.

- (3) The Academic Policy Committee shall be responsible for ensuring that the charter school preserves the confidentiality of records relating to charter school students and personnel. Student records are confidential and may not be disclosed absent parental consent under federal and state law and the Anchorage School District's student records policies (School Board Policy 343.3 - 343.38). Personnel records are confidential under state law and applicable provisions of the negotiated agreements governing charter school employees.
- (4) The Academic Policy Committee shall select and supervise the principal/administrator of the charter school. The principal/administrator shall select, appoint, and otherwise supervise employees of the charter school. The principal/administrator may hold another position in the school concurrently, such as a teacher, or may be a contract employee.
- (5) Personnel issues must be coordinated with the Human Resources office to insure compliance with administrative and statutory requirements with respect to the selection, hiring, termination, or non-retention of either a tenured or non-tenured charter school teacher or administrator.
- (6) The Academic Policy Committee shall select a District principal - which may be the Charter School principal, a retired District principal, or a person on the District's eligible for hire list for administrators - with a current Alaska Type B certificate, to evaluate certificated staff. The evaluator must be available to do on-site observations of the staff in order to monitor compliance with required Performance Standards. If a contract evaluator is currently employed as a principal within the District, the Superintendent's approval is required prior to entering into the contract.

b. The Charter School Principal/Administrator

- (1) The Charter School Principal/Administrator shall keep financial records of the charter school and submit appropriate information as required by the District and/or the charter school Academic Policy Committee.
- (2) The Charter School Principal/Administrator shall oversee the operation of the charter school to ensure that the terms of the contract are being met.
- (3) The Charter School Principal/Administrator shall meet regularly with charter school parents and with teachers/staff and students, where appropriate, to review, evaluate, and improve operations of the charter school.
- (4) The Charter School Principal/Administrator shall provide to the District the names of the students who have pre-registered for the charter school prior to the starting date of the charter school each year, and shall provide waiting list information to the District on request. Membership information will be monitored on a monthly basis and reported on the District's monthly membership report.
- (5) The Charter School Principal/Administrator shall meet with the Academic Policy Committee at least quarterly each year to monitor progress in achieving the Committee's policies and goals.
- (6) The Charter School Principal/Administrator shall evaluate staff according to District approved practices and applicable bargaining agreements; certificated staff may be evaluated only by an administrator with a Type B certificate and according to District approved practices and in conformance with AS 14.20.149 and the State Board of Education and Early Development and Anchorage School District Performance Standards.

- (7) The Charter School Principal/Administrator shall select, appoint, or otherwise supervise employees of the charter school.
 - (8) The Charter School Principal/Administrator shall perform other duties as assigned by the Academic Policy Committee.
- c. The Charter School Lead Teacher/Headmaster
- (1) The Academic Policy Committee may designate specific activities which will be the purview of a lead teacher/headmaster of the charter school.
 - (2) Under no circumstances will the charter school lead teacher/headmaster evaluate certificated staff unless a waiver has been approved by the School Board consistent with applicable terms of any agreement with the Anchorage Education Association.
- d. Charter School Teachers

All teachers in the charter school shall be selected from current teachers employed in the District, from the District's eligible to hire list of approved teacher candidates, or from retired District teachers who left the District in good standing, had satisfactory performance evaluations, and maintained a current Type A certificate.

333.92 Specific Levels of Achievement for the Educational Program

The charter school will participate in the process by which the District reports school performance data to the State.

- a. All tests and assessments required by either the State Department of Education and Early Development or the Anchorage School District will be administered to charter school students.
- b. Consistent with state and federal requirements and School Board goals, charter schools should describe their

academic performance targets and a timeline for achievement by all students. If academic performance targets for achievement are not reached by the specified timeline, the charter school shall identify corrective measures to be taken to remedy the situation. This corrective action plan must include a Plan for Improvement, specific activities for remediation and accommodation by the staff and Academic Policy Committee, a process for monitoring the progress of the Plan by both the Academic Policy Committee and the District, and a process for reporting on the progress of the Plan to the District and the School Board.

- c. The charter school must specify the role of the Academic Policy Committee and the Anchorage School District Administration in the Plan for Improvement effort if a school's performance is determined to be unsatisfactory by the School Board, the Administration, the Academic Policy Committee, and/or the State of Alaska.
- d. If progress in improving student performance is determined to be unsatisfactory by the School Board, the Administration, and/or the Academic Policy Committee after attempts at remediation through the Plan for Improvement process, a recommendation may be made to terminate the contract of the charter school. Final action on termination of the charter school contract rests with the Anchorage School Board.

333.93 Charter School Location in District Facilities

If a charter school is approved by the School Board and the State Board of Education and Early Development, and District space has been approved, the District and the charter school Academic Policy Committee will meet to determine issues surrounding housing of the charter school. In addition, the Academic Policy Committee will meet with the building principal, the executive board of the PTA or other parent organization of that school, representatives of the staff and students, and the appropriate Instructional Division Executive Director, and come to a mutual agreement regarding the charter school's observance of school rules and policies regarding

student supervision and discipline, equipment, use of space, and other issues of mutual concern.

For charter schools requesting the use of space in an existing District facility, or on District property, the District will annually determine if the amount of space requested by the charter school will be available based on enrollment projections, administrative needs, and school capacity.

333.94 Finances

The charter school will comply with local, state, and federal requirements for receipt and use of public money. The charter school shall allow District personnel or the District's auditors access to financial information to perform the annual or special audits and accounting. The charter school shall cooperate with the School Board and the Department of Education and Early Development in complying with the requirements of AS 14.17.910.

a. Tuition and Fees

A charter school may not charge tuition to students who reside within the District. Fees charged to students by the charter school, including but not limited to supply and activity fees, shall be placed in a separate district account for use by the charter school. The indirect cost rate does not apply to activity and supply fees collected by the charter school. The charter school shall comply with Board Policy 495, Student Fees. The Academic Policy Committee shall develop a procedure for waiving fees for families who cannot afford the fee.

b. Budget and Budget Revision

(1) The established charter school shall submit by November 15 of each year, a balanced program budget, approved by the school's Academic Policy Committee that shows the expected revenues and expenditures for the charter school for the following school year. The budget for that following year shall use student enrollment of the current year unless the Superintendent or

designee has approved budgeting for a larger or smaller enrollment. Requests for changes in maximum school enrollment for the following year must be made to the superintendent or designee by October 1 of the current school year. This annual budget shall be approved by the School Board during annual budget deliberations.

- (2) Adjustments to the charter school budget may be necessary if the estimated revenues are revised due to School Board, legislative and/or Assembly action. The charter school program budget will be adjusted according to actual enrollment during the Foundation count period.
- (3) If the student enrollment in the charter school is anticipated to deviate more than 10% above or below the School Board budgeted enrollment, the charter school and the District will meet to review the charter school's enrollment and budget. If approved by the District, a revised charter school budget will be implemented.
- (4) A charter school may establish a PTA, PTSA, or similar non-profit school support organization to receive donations and/or raise funds in support of the charter school. Neither funds received from the District, nor any student fees, may be collected by or transferred to the organization.

c. Operational Costs

- (1) All costs for operating a public school in the District shall be the responsibility of the charter school subject to restrictions imposed in the charter school law and the terms of the contract between the School Board and the charter school. Except for services provided by the District and covered by the indirect cost rate as determined by the State Department of Education and Early Development, all supplies, equipment, and services provided directly by the District to the

charter school shall be charged to the charter school at the District's cost.

- (2) If using a district facility, the charter school will pay for District custodial and utility services based on the number of square feet used in the school, or on the site. In addition, the charter school will pay for building maintenance costs directly related to the charter school program.
- (3) Students attending a District charter school may take classes and/or participate in student activities at other District schools once specific budgetary arrangements have been made according to administrative charge-back procedures.

Note: Charge-back procedures may be obtained from the District's Chief Financial Officer.

d. Equipment and Supplies

All equipment and supplies purchased by the charter school become the property of the District upon the completion or termination of the charter school contract. (School Board Policy 833). In addition, unless a donor or grantor specifically provides otherwise, all gifts, donations and grants to the charter schools are assumed to be specific to that charter school, but in all cases shall be included among the assets returned to the District upon completion or termination of the charter school contract or dissolution of the charter school.

333.95 Legal Status

- a. Unless otherwise expressly agreed by the School Board, a charter school shall be a separate entity solely responsible for its own operation and the performance of all its obligations under the contract between the School Board and the charter school Academic Policy Committee.
- b. A charter school shall not enter into any agreement or contract that gives rise to a multiple-fiscal year obligation

on the part of the charter school without the prior express written consent of the District. No contract shall extend beyond the termination date of the charter without approval by the School Board and the charter school Academic Policy Committee.

- c. Except to the extent expressly assumed by the School Board (by a written contract with the charter school distinct from the contract described in school board policy 333.7), direct leases and financial obligations of a charter school shall not constitute a debt, liability or financial obligation of the District.

333.96 Evaluation of Charter School Personnel

Charter school certificated staff shall be evaluated in an equivalent manner as other professional staff in the District and in conformance with AS 14.20.149, performance standards for teachers and administrators adopted by the State Department of Education and Early Development and the District, and any applicable bargaining agreements. The evaluation procedures for professional staff shall be identical to the District's procedures unless an alternative procedure has been agreed to in the charter school contract.

Note: These standards and procedures are available to charter schools and charter school applicants upon request.

Note: State law, AS 14.20.149, limits those individuals who may conduct evaluations of public school teachers and administrators. This statute provides: "A person may not conduct an evaluation under this section unless the person holds a type B certificate or is a site administrator under the supervision of a person with a type B certificate, is employed by the school district as an administrator, and has completed training in the use of the school district's teacher evaluation system."

- a. Teacher Evaluation
 - (1) Charter school teachers shall be evaluated by the charter school principal holding a current Type B certificate if one is employed by the charter school. If the charter school principal is also a teacher in the charter school, however, the principal may not

conduct teacher evaluations without any required waiver or modification of the Anchorage Education Association's negotiated agreement.

- (2) If the charter school's principal is ineligible to conduct evaluations or the charter school does not employ a Type B certificated principal, the charter school may contract with an administrator possessing a current Type B certificate for the purpose of conducting teacher evaluations. The individual must meet the requirements for an evaluator set forth at AS 14.20.149 and must be available to do regular on-site observations.
- (3) If the charter school has neither a full-time principal eligible to conduct evaluations, nor a contract principal, nor a contract evaluator, the District, in cooperation with the charter school Academic Policy Committee, will designate a District administrator to evaluate the charter school teachers at the charter school's expense. In that case, prior to October 1st of each year, the District and the charter school's Academic Policy Committee will sign a written agreement identifying the evaluator.

b. Principal/Administrator Evaluation

- (1) Evaluation of the charter school administrator is the responsibility of the Academic Policy Committee. The Committee shall demonstrate to the District that the individual conducting the evaluation meets the requirements of AS 14.20.149. These requirements may be met by having a Type B certificated administrator on the Academic Policy Committee, by contracting with such an individual, or by other means as agreed to in writing by the charter school Academic Policy Committee and the District.
- (2) The Academic Policy Committee shall ensure that during the evaluation process, the District will have the opportunity to provide written

information on the performance of the administrator, including the administrator's performance in meeting obligations set forth in school board policy and the charter school contract.

- (3) Prior to the beginning of each school year, the Academic Policy Committee is responsible to establish by a written agreement with the District the method by which the Academic Policy Committee will meet the obligations of AS 14.20.149 for conducting the administrator's evaluation, as well as the procedures for obtaining District administration input into the evaluation. This agreement may be extended by mutual consent signed annually for the duration of the charter school contract.

c. Principal-Teacher Evaluation (Dual Roles)

If the charter school administrator performs both administrative and teaching functions, the procedures for evaluation shall be those for a principal/administrator identified above. However, the District administration will determine an appropriate evaluation instrument that must be used for accurate evaluation of both teaching and administrative duties based on District performance standards. This evaluation instrument does not preclude the Academic Policy Committee from supplementing the instrument, consistent with state and federal law.

d. Confidentiality of Evaluations

- (1) As a matter of Board Policy, the Academic Policy Committee, as a body but not as individual members, has as much access to the contents of the charter school employee personnel evaluations as is allowed under law and applicable bargaining agreements. However, the Academic Policy Committee is neither responsible nor authorized to take personnel actions with respect to any employee other than the Charter School principal. Before receiving any information that is

confidential under law or contract, each member of the Academic Policy Committee must sign a confidentiality agreement acknowledging and agreeing to abide by that confidentiality.

- (2) Certificated teacher evaluations are confidential and may not be publicly disclosed, including disclosure to members of the Academic Policy Committee, absent a written waiver signed and dated by the employee. The Academic Policy Committee may request that a teacher waive confidentiality so that the evaluation may be shared with the Academic Policy Committee.
- (3) If a waiver is not obtained, the Type B certificated evaluator performing the evaluation of charter school personnel shall work in an advisory capacity with the Academic Policy Committee to assist the Committee in making informed requests to the Superintendent regarding the assignment or employment of Charter School personnel. The details of this working relationship should be agreed to in writing between the evaluator and the Academic Policy Committee.
- (4) The Charter School principal/administrator's evaluation may not be publicly disclosed but may be shared with the Academic Policy Committee without a waiver.

333.97 Complaint Resolution

a. Written Procedure

The Academic Policy Committee shall adopt a written procedure for informal and formal complaint resolution. These procedures will not apply to matters of discipline of specific students, personnel matters relating to specific employees, other than the principal/administrator of the charter school, or the matters listed in "i," below.

- (1) The Charter School's written complaint resolution procedure must contain a provision for review

and decision by the school's Academic Policy Committee. The Committee's decision shall be final and binding unless appealed to the District. The complaint resolution procedure may contain steps prior to the Academic Policy Committee review.

- (2) The procedure shall be subject to review and approval by the Superintendent to ensure that the procedure complies with applicable law, including confidentiality requirements, and with respect to employees represented by a bargaining unit, complies with the collective bargaining agreement in effect at that time.
- (3) Copies of this procedure shall be made available in the school's office, during orientation meetings, and at other appropriate times. A copy of this procedure will also be made available in the Superintendent's office and at other locations at the discretion of the Superintendent.

b. Informal Complaints

The existence of a formal complaint procedure is not intended to discourage parents, students, and other concerned citizens from discussing their concerns informally with Charter School administrators or staff.

c. Municipal Ombudsman

The Municipal Ombudsman has jurisdiction to investigate complaints concerning the Anchorage School District, including Charter Schools. The existence of a formal complaint procedure is not intended to preclude or limit the powers of the Ombudsman.

d. District Appeal

Any party directly involved in the complaint may appeal the Academic Policy Committee's decision to the Anchorage School District. Appeals must be in writing and signed by the person bringing the appeal. In

addition, all appeals will include the following information:

- (1) a clear, concise statement of the complaint or dispute;
- (2) a statement of the steps by which the Charter School's complaint resolution process has been followed, or the reasons that process could not be followed; and
- (3) a proposed remedy or resolution.

Ordinarily, if the complaint resolution process has not been followed or completed, the appeal will be referred back to the Charter School for completion of that process.

e. District Review

The Superintendent or designee shall review the written appeal and may conduct such other investigation as he or she deems appropriate. At his or her discretion, a hearing may be held by the Superintendent, designee, or hearing officer. A written decision shall be issued promptly, but in any event within 30 days unless extenuating circumstances require more time.

f. School Board Review

A party to the dispute or complaint may request that the School Board review the Superintendent's decision. The decision will be presented as a Board Memorandum for approval, modification, or rejection, and the Board will take such action as it deems appropriate.

g. Standard of Review

The Academic Policy Committee should remain free to make reasonable discretionary decisions concerning the operation of the Charter School without interference from the Board or District except as stated in this policy. The Academic Policy Committee's decision will not be reversed or modified unless clearly required for health or

safety reasons, or to comply with law, collective bargaining agreements, the Charter School Contract, or School Board Policies with which the Charter School is required to comply.

h. Charter School Complaints

If a charter school believes the District's actions or inactions are inappropriate, it should attempt to resolve that situation informally. In addition, the Academic Policy Committee may file a complaint with the District pursuant to the procedures set out in 333.97(d) - (g), above, except that d(2) is not applicable.

i. Exclusions

Allegations of criminal activity, or of acts or conditions tending to create immediate risk of serious harm to the health or safety of others, are excluded from this Complaint Resolution Policy. A report should be immediately made to the Superintendent, or the appropriate state or municipal enforcement agency.

333.98 Risk Management

The charter school shall adequately protect against liability and risk through an active risk management program.

The risk management program shall include purchase of minimum insurance coverages and levels of appropriate coverage as determined by the District's Risk Manager. The charter school shall operate in such a manner as to minimize the risk of injury or harm to students, employees, and others. School operations and activities shall be reviewed by the Anchorage School District Risk Manager for compliance with appropriate local, state and federal safety practices/codes and School Board policies. Copies of all pertinent documents shall be on file in the Risk Management Office.

333.10 Review of the Charter School

The charter school will be subject to review of its operations and finances by the School Board. Annually, the Academic Policy

Committee will submit a concise written report and make a presentation to the School Board and the public no later than June 30 of each school year. This report will include, but is not limited to:

- a. information on the attainment of student performance expectations, including copies of the Terra Nova and Benchmark reports;
- b. recommendations for remediation of poor student performance;
- c. school goal attainment;
- d. trends in student/staff enrollment and mobility;
- e. an end of year preliminary financial statement showing revenues and expenditures;
- f. minutes of the meetings of the governing body of the charter school;
- g. descriptions of charter school activities;
- h. copies of any leases signed by the charter school;
- i. current bylaws of the Academic Policy Committee;
- j. notification of establishment of non-profit 501(c)(3) status;
- k. list of officers in any PTA/PTO or other parent organization;
- l. any changes in facility location;
- m. any major changes planned for the following school year;
- n. a list of the Academic Policy Committee for the past and coming school year, including officers, and staff members by position;
- o. a list of employees and job titles; and
- p. other information requested by the School Board.

If there is evidence of a breach of contract, then the School Board, through the Superintendent or designee, shall have a right to

investigate this breach of contract and meet with the charter school to discuss possible remedies and/or possible termination of the contract.

333.11 Definitions

“Eligible for hire list of approved teacher/administrator candidates” means the list of persons who have applied to be teachers/administrators in the District and who have passed the personnel office’s screening, interviewing, and reference checks and are eligible to be hired by a building principal, or in the case of the principal, the Academic Policy Committee. With respect to charter schools, the eligible for hire list will be deemed to include teachers and administrators who are retired from the District if they have a current Type A and/or Type B certificate, have received satisfactory performance evaluations, and have left the District in good standing.

“Employees” of charter schools are considered employees of the Anchorage School District with all rights guaranteed by their respective collective bargaining agreements unless specifically waived by mutual agreement between the appropriate bargaining unit and the School Board.

“Administrator” means a person selected by the Academic Policy Committee to perform the administrative functions of the charter school including the keeping of financial records; the submission of appropriate information as required by the District; the oversight of the charter school to ensure that the terms of the contract are being met; meeting regularly with parents and teachers/staff and students to review, evaluate, and improve operations of the charter school; and meeting with the Academic Policy Committee at least quarterly to monitor progress in achieving the committee’s policies and goals. The administrator may be a Type B certificated principal, a head teacher, headmaster, or other title as established by the charter school Academic Policy Committee. An administrator who does not possess a current Type B administrative certificate may not conduct certificated employee evaluations. The District assumes no responsibility for employing this person after the termination of the charter school contract unless the person is also employed as a teacher.

“Principal” means a person selected by the Academic Policy Committee to select, appoint, or otherwise supervise employees of the charter school. This person is required to possess a current Alaska Type B Administrative Certificate in the Anchorage School District.

The District assumes no responsibility for employing this person after the termination of the charter school contract unless the person is also employed as a teacher.

“Per-pupil allocation” means the funding generated, calculated on a per student basis, using the formula for basic need defined in AS 14.17.410.