



Questions and Answers about Charter Schools

A SUMMARY:

The Alaska Legislature passed the Charter School Act in 1995. Governor Knowles signed the bill into law. House Bill 101 amended the existing Alaska statute for charter schools in 2001. The major changes of the amendment were: The number of charter schools allowable was raised from 30 to 60 schools, the length of charter was changed to a maximum of ten (10) years, and previous geographical restrictions were dropped. In 2010, Senate Bill 235 amended the limit of 60 charters to no limit.

Both the local school board and the State Board of Education must approve a charter school application before the school can begin operation. If a local school board denies an application, there is no appeal to a higher authority.

Q: How many charter schools can operate in Alaska?

A: There is no limit to the number of charter schools allowed for the creation statewide with no geographical restrictions.

Q: Are charter school personnel subject to the school district's labor agreements?

A: Charter school teachers and other employees are subject to the same collective bargaining agreements of the school district in which the charter school operates. The only exception is when the district and the bargaining unit representing a teacher or other employee agree to an exemption.

Q: What are the possibilities for waivers from state regulations?

A: Regulation 4 AAC 03.091 allows local school boards to seek waivers from certain state regulations. Not allowed are waivers to regulations that are required by a specific state or federal law or a regulation necessary to assure health and safety standards. The request to waive a regulation needs to come from the local school board and be approved by the State Board of Education.

Q: Have schools been able to waive the standardized achievement test requirements?

A: Student testing is required by state regulation, not by statute, except the High School Graduation Requirement Exam, which is state statute. Waivers are allowed, under specified circumstances.

Q: Can a charter school require local school districts to charge students and parents for such items as uniforms, lab fees, transportation fees and textbooks?

A: We know of no law prohibiting school districts from setting and collecting these fees. Note, however, that AS 14.03.080, which entitles school age children to a public education without tuition, must be considered.

Q: Can the school district disallow a student, particularly a special education student, from enrolling in a charter school if the school believes the student will not benefit from the educational style or methods used?

A: A charter school may be designed to serve two broad categories of students: (1) students within an age group or grade level, or (2) students who will benefit from a particular teaching method or curriculum. These are very broad criteria that can be further defined in the charter school contract. Civil rights laws disfavor discrimination against students with disabilities.

Q: Can a charter school be a statewide program, such as a correspondence school, or a boarding school specializing in technology, math or science?

A: Yes. Nothing in the Charter School Act prohibits these types of charter schools. However, the local school board that starts a boarding charter school would have to provide funding for the boarding part of the operation as well as the academic program.

Q: Could a year round school-without-walls, community-based education program be a charter school?

A: Yes.

Q: Can a school-within-school program be a charter school?

A: Yes. A charter school can be operated in an existing school district facility or in a facility not currently being used as a public school. The only stipulation set by the Charter School Act is that the school superintendent must determine that the facility meets standards for health and safety.

Q: Do charter school teachers have to come from a school district's approved hire list?

A: The state does not require school districts to maintain a hire list. For those that do, this is a local decision.

Q: How does a charter school get its funding?

A: Funding for a charter school will be not less than the amount generated by the students enrolled in the charter school. That amount will be determined in the same manner as it would be for a student enrolled in another public school in the same school district.

Q: Can the school district keep any of the funding generated by the charter school to pay for services that the school district's central office provides the charter school?

A: Yes, but only an amount determined by the Department of Education and only for indirect (overhead) costs.

Q: Is the district liable for any accidents that may happen to students or staff in a charter school?

A: Charter schools are public schools. A school district is liable for a charter school to the extent that it is liable for other public schools in its jurisdiction.

Q: Who would have the authority to expel students?

A: Under 4 AAC 06.060, a superintendent or principal may suspend a student from school, but only the local school board may expel a student.

Q: What happens when the district cannot negotiate exceptions to the collective bargaining agreement for charter school teachers? Is there a waiver for that?

A: Teachers in a charter school are subject to the district's negotiated agreement unless the district and the teacher's bargaining unit agree otherwise. The act provides no waiver to this provision.

Q: Who evaluates the charter school teachers? Is it the charter school principal, the central office administrators, or both?

A: Charter school teachers need to be evaluated in an equivalent manner as all other teachers in the district. However, in a charter school that does not employ a principal, the district, in cooperation with the charter school, will designate a school district administrator to conduct the evaluation.

Q: Who hires the charter school principal?

A: The principal is hired by the charter school's academic policy committee. The charter school principal selects, appoints and supervises charter school employees. Remember, the Charter School Act does not require a charter school to have a principal. Other administrative structures are allowed.

Q: Who evaluates the charter school principal?

A: Assuming the charter school hires a principal, the academic policy committee is responsible for conducting the evaluation.

Q: Does the school superintendent have the authority to fire the principal?

A: The Charter School Act gives the authority to hire a principal to the academic policy committee. The authority to hire brings with it the authority to fire.

Q: Can the local school board close the charter school.

A: Yes. The charter school contract must contain a clause that allows the local school board to terminate the contract if the charter school fails to meet its educational or financial goals or for other good cause.

Q: Will the district assume tenure responsibility for the charter school teacher?

A: To the extent required by state law, yes.

Q: Can an existing public school use the Charter School Act to secede from a school district?

A: No. A charter school is a public school and operates under contract to the local school board.

Q: Can a school district with a single site use the Charter School Act to secede from Alaska's education system?

A: No. A single site school district can use the Charter School Act to meet the needs of its students. A contract must be worked out between the school board and the charter school. A community conceivably could support a charter school idea that is a radical departure from what is currently offered in public schools. However, the district still would be responsible for educating students who do not choose to attend the charter school.

Q: How are students selected for charter schools?

A: A charter school can be designated to serve students within a certain age group or grade level and students who will benefit from a particular teaching method or curriculum. The charter school and local school board need to define the age groups or grade levels and who will benefit from the program. All eligible students may apply to the charter school.

Q: What happens if the number of students who apply exceeds the charter school's capacity to serve them?

A: If the number of applications exceeds the charter school's capacity, then the school and local school board need to try to find additional space and teachers to accommodate the students. Failing that, students are selected by random drawing in a lottery.

Q: Does a charter school discriminate de facto against minority students because access to the school would be impossible for some due to distance and other geographical barriers? Would it have to provide a boarding school?

A: No. Alaska Statute 14.03.080(a) entitles every child of school age to attend a public school within the school district boundaries in which the child is a resident. The State of Alaska does not provide funding to any school district to offer a boarding school, nor is any school district required to offer a boarding option.

Q: Can a local school board require that a charter school principal have a "Type B" Administrative Certificate?

A: The local school board may set a standard requiring such employees to possess a Type B administrator certificate.

Q: What about the timing of charter school approval by a local school board? Will funds be available in mid year, or should the charter school wait until the beginning of the next year to start up?

A: Fiscally, it would be much more advantageous for the charter school to wait until the beginning of the next school year to start up. The ADM (average daily membership) is officially done the first 20 school days in October and the foundation formula funding is based on these ADM figures.

Q: Can religious schools be charter schools?

A: The Charter School Act requires a charter school to be nonsectarian. This is the same rule that applies to all public schools.

Q: Will the state provide additional funding to a school district that starts a charter school?

A: No, House Bill 101, the “Charter School Grant Program” AS 14.03.263, has been repealed.

Q: Must charter schools maintain the same records for students and staff required of regular public schools?

A: The charter school must keep the records specified in the Charter School Act. If not otherwise required by the state or federal government, other records required of regular schools may be waived by the local school board. The charter school is subject to the same auditing requirements as regular public schools.

Q: Where can someone interested in starting a charter school get an application?

A: The state application is available on-line at:

<http://www.eed.state.ak.us/forms/forms1.html#charterschools>

and is called: “Charter Schools Application.” This application follows Alaska Charter School Statutes AS 14.03.250-290 and state regulations 4 AAC 33.110. District applications can be obtained from local school district central offices.