

BOARD AGENDA ITEM

May 24, 2022

SUBJECT:

Revision of the following policy and deletion of administrative rule:

Policy IHBH Charter Schools, First Reading
Administrative Rule IHBH-R Charter Schools

BACKGROUND INFORMATION:

Aiken County Public School District offers the opportunity for interested parties to submit an application for a Charter School by the South Carolina Charter Schools Act of 1996, which defines a charter school as a public, nonreligious, non home-based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the sponsor which grants its charter. Currently, ACPSD does not sponsor a charter school.

ADMINISTRATIVE CONSIDERATION:

Administration recommends the deletion of Administrative Rule IHBH-R Charter Schools because it outlines the application process for Charter Schools. This process is identical to the process outlined by the South Carolina Department of Education. Policy IHBH Charter Schools has been revised with a statement directing interested parties to the SCDOE webpage for the application process.

RECOMMENDATION:

Approve the following administrative rule and policy:

Policy IHBH Charter Schools, First Reading
Administrative Rule IHBH-R Charter Schools

ATTACHMENTS:

Policy IHBH Charter Schools
Administrative Rule IHBH-R Charter Schools

PREPARED BY:

Salvatore Minolfo

CHARTER SCHOOLS

Code **IHBH** Issued **4/226/22**

To achieve its goal of promoting diversity, educational improvement, and academic excellence for all students, the board supports the establishment of charter schools within the district.

A charter school is a public, nonreligious, non-home-based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning but is accountable to the board, or in the case of technical colleges, the area commission, of the sponsor that grants its charter.

A charter school sponsor will adopt national industry standards of quality charter schools and will authorize and implement practices consistent with those standards.

A charter school is considered a public school and will meet the following conditions:

- Be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of race, religion, sex (including pregnancy, childbirth, or any related medical conditions), color, disability, national origin, need for special education services, or any other applicable status protected by law (by law, however, a single gender charter school may be formed in which case gender may be the only reason to show preference or deny admission). Enrollment must not differ from the racial composition of the district or that of the targeted student population of the charter school by more than 20 percent.
- Open enrollment to any child who resides in the district subject to space limitations. The charter school will not charge tuition or charges of any other kind unless allowed by the sponsor and comparable to the charges of the district in which the charter school is located.
- Assume responsibility for its own operation including preparation of a budget, contracting for services, audits and curriculum, and personnel matters.
- Have an education program, curriculum, and student achievement standards that meet or exceed any content standards adopted by the State Board of Education and the sponsor.
- Follow the application process as required by law. In the case of sponsorship by the South Carolina Public Charter School District or a public or independent institution of higher learning, the applicant must provide notice of the application to the district for informational purposes only. For information on the Charter School Application process, interested parties should contact the South Carolina State Department of Education to obtain the Charter School Application Submission Guide and additional support documentation.

All board members and employees are subject to the ethics and government accountability requirements for public members and public employees.

A charter school may be designated as an Alternative Education Campus (AEC) as outlined in state law. An AEC is any charter school with an explicit mission as outlined in its charter to serve an enrolled student population meeting the requirements established in state statute.

A charter school is eligible for federally-sponsored, state-sponsored, or district-sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as other public schools.

PAGE 2 - IHBH - CHARTER SCHOOLS

A charter school student is eligible to compete for, and, if chosen, participate in any extracurricular activity not offered by the student's charter school which are offered at the resident public school he/she would otherwise attend, as well as any activities governed by the South Carolina High School League not offered at the charter school. Eligibility requirements and fees for these activities will be the same as those applied to full-time students of the resident school, and the district may not impose any additional requirements for participation on charter school students that are not imposed on full-time students.

If the board has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in the district, as defined in state regulation, or that the approval of the application fails to meet the spirit and intent of the law, the board may appeal the granting of the charter to the state administrative law court.

The performance of students attending a charter school sponsored by the district will be reflected on a separate line on the district's report card and will not be included in the overall performance ratings of the district.

The sponsor may deny, revoke or not renew a charter under certain conditions outlined in the law. This decision may be appealed to the state administrative law court for review.

Cf. JJ/JJA

Adopted 12/10/96; Revised 1/8/02, 4/19/22, 6/14/22

Legal References:

- A. S.C. Code of Laws, 1976, as amended:
 - 1. Section 8-13-100, *et seq.* - Ethics, Government Accountability and Campaign Reform Act.
 - 2. Section 59-18-900 - Annual report cards and performance ratings.
 - 3. Section 59-18-920 - Requirements of report cards.
 - 4. Section 59-40-10, *et seq.* - South Carolina Charter Schools Act of 1996.
- B. S.C. State Board of Education Regulations:
 - 1. R43-601 - Procedures and standards for review of charter school applications.

CHARTER SCHOOLS

Code **IHBH-R** Issued **2/125/22**

Procedures for applying for a charter school in Aiken County

A person, group or organization may apply for a charter school in Aiken County in accordance with the requirements in state law and the following district procedures.

- Prepare an application containing the following provisions and submit 12 copies of it to the office of the associate superintendent for instructional services. (The associate superintendent for instructional services, after consultation in an application-review meeting with the district superintendent, the deputy superintendent, the associate superintendent for administration, the affected appropriate academic officer(s), the comptroller and the board attorney will prepare a recommendation to be submitted to the superintendent for board approval.)
 - mission statement consistent with state and district purposes
 - goals, objectives and student performance standards
 - evidence of an adequate number of parents, teachers, students or combination thereof to form a school
 - statement of need for a charter school within an area or the whole district
 - description of education program, with student performance standards and curriculum, that meets or exceeds state and district standards
 - plan for evaluating student performance with types of assessment, timeline and procedures for corrective action
 - evidence of economical soundness, proposed budget, and annual financial and administrative operations audit
 - description of governance and operation, including parental, educator and community involvement
 - explanation of relationship between the school and its employees, including evidence of the terms and conditions of employment
 - agreement between the parties regarding respective legal ability and applicable insurance coverage
 - plans for student transportation and other general services
- No person, group or organization may submit an application to convert a private school or non-public, home-based educational program into a charter school or create a non-public, home-based educational program.
- The local board will receive and review applications using the following process.
 - During January, the local board will receive applications from organizations that plan to operate beginning in the fall of the upcoming school year.
 - The local board will immediately request additional information (within 10 days) if it finds that the application is incomplete.
 - After giving reasonable public notice, the local board will hold community meetings in the affected areas or the entire district within 30 days upon receiving a complete application to obtain information to assist in its decision to grant a charter school application.
 - Within 30 days after the public hearing, the board will rule on the application in a public hearing.

PAGE 2 - IHBH-R - CHARTER SCHOOLS

- In reviewing the application, the local board will use the following criteria.
 - Does the application fully address the contents listed above and those in state law?
 - Have the schedule deadlines been met?
 - Would establishment or operation of the proposed charter school violate the Charter Schools Act or any federal or state laws concerning civil rights or any court order or threaten the health and safety of students in the school district?
- If the local board grants the application, it will report such action to the state board.
- A charter applicant or any other person who wishes to appeal the decision of the local board will use the following process.

Appeal process

Within 10 days, provide the state board and the local board with a notice of appeal of the local board's decision.

Appeal of decision to deny

- Within 10 days, provide the state board and the local board with a notice of appeal of the local board's decision.
- Within 30 days, the local board will conduct a hearing to review an appeal of a denial.
- Within 30 days, if the state board remands the decision, the local board will reconsider its decision and make a final decision. No further administrative appeal may be made after this decision. However, any final decision of the local board, after a remand from the state board, may be appealed by any party to the circuit court for the county in which the proposed charter school is or was to have located.
- A charter may be approved or renewed for a period not to exceed three school years.
- An application for renewal will contain the following.
 - report on the progress of the school in achieving the goals, objectives, student performance standards, content standards and other terms of the initial, approved charter application
 - financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such cost to other schools or other comparable organizations, in a format required by the state board of education
- A charter may be revoked or not renewed by the local board if the board determines that the school did any of the following.
 - committed a material violation of any of the conditions, standards or procedures set forth in the charter application
 - failed to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application
 - failed to meet generally accepted standards of fiscal management
 - violated any provision of law from which the charter school was not specifically exempted
- A charter may not be renewed upon a determination by the local board that is not in the interest of the students residing within the school district to continue the operation of the charter school.

PAGE 3 - IHBH-R - CHARTER SCHOOLS

- A decision to revoke or not to renew a charter may be appealed in the manner prescribed in the appeal process above.
- The following employees' options will be provided.
 - During the first year that a teacher employed by the district is employed by a charter school, such teacher will be considered to be on a one-year leave of absence from the school district. Such leave will commence on the first day of services for the charter school. Upon the request of the teacher, the one-year leave of absence will be renewed for up to four additional one-year periods upon the mutual agreement of the teacher and the school district. At the end of three years, the relationship between the teacher and the school district will be determined by the school district and the district will provide notice to the teacher of the relationship.
 - The local board will determine by existing policy the employment status of school district employees employed by the charter school who seek to return to employment with the public schools in the district.
- Students enrolled in a charter school will be included in the student enrollment of the district within which the student resides. The following financial guidelines will be followed.
 - The district of residence will report to the department of education the number of students enrolled in each charter school.
 - As part of the charter school contract, the school and the district will agree on funding and any services to be provided by the district to the school. The funding discussions will begin using 80 percent of the district per student operating revenues as defined in state statutes.
 - All services provided by the district including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries and warehousing will be subject to negotiation between the school and the district and paid out of the revenues in the second sentence above.
 - In no event will the amount of funding negotiated be less than 80 percent of the district per student operating revenues multiplied by the number of students enrolled in the school.
 - Fees collected from students enrolled at a charter school will be retained by such charter schools.
 - The proportionate share of state and federal resources generated by students with disabilities or staff serving them will be directed to charter schools enrolling such students. The proportionate share of funds generated under other federal or state categorical aid programs will be directed to charter schools serving students eligible for such aid.
 - The governing body of a charter school is authorized to accept gifts, donations or grants of any kind made to the charter school and to expend or use said gifts, donations or grants according to the conditions prescribed by the donor, unless the gifts, donations or grants are subject to any condition contrary to law or the terms of the contract between the school and the board.
- The local board will submit an evaluation report of each charter school to the state board of education annually.
- Information about charter school development may be obtained from Aiken County Public Schools, the division of instructional services.

| Issued 12/10/96; Revised 1/8/02, 2/7/12; Deletion 5/24/22