

BOARD AGENDA ITEM
November 15, 2016

SUBJECT:

Changes to Administrative Rule IHBH-R Charter Schools

BACKGROUND:

South Carolina Department of Education Regulation R 43-61, Procedures and Standards for the Review of Charter School Applications, was amended on June 26, 2015. The updated regulation provides additional guidance concerning charter school application timelines.

ADMINISTRATIVE CONSIDERATION:

The proposed administrative rule clarifies administrative responsibilities and adds updated language to require that charter school applicants submit a letter of intent ninety days prior to submitting an application.

RECOMMENDATION:

Adopt the proposed policy on final reading

ATTACHMENT:

Administrative Rule IHBH-R Charter Schools

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Administrative Rule

CHARTER SCHOOLS

Code **IHBH-R** Issued **11/16**

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 chief officer of administration. (The chief officer of administration, after consultation in an application-review meeting with the district superintendent, the chief officer of operations and student services, the chief officer for instruction, the chief officer of finance, the appropriate executive director(s), 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.
 - At least 90 days prior to the submission of an application and in no case later than October 31, the applicant must submit a letter of intent to the local board.
 - 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.

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- 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.

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- 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, office of the chief officer of administration.

Issued 12/10/96; Revised 1/8/02, 2/7/12