

1 AN ACT relating to charter schools.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 10 of this Act:*

6 *(1) "Achievement academy" has the same meaning as "public charter school";*

7 *(2) "Achievement gap" means a disparity of outcomes on state standardized*
8 *examinations and other academic performance measures between subgroups of*
9 *students, especially groups defined by socioeconomic status, race, and ethnicity;*

10 *(3) "Applicant" means an eligible person or persons, organization, or entity that*
11 *seeks approval from a charter school authorizer to establish a public charter*
12 *school;*

13 *(4) "Charter application" means a proposal from an applicant to an authorizer to*
14 *enter into a charter contract whereby the proposed school obtains public charter*
15 *school status;*

16 *(5) "Charter contract" or "contract" means a fixed-term, renewable contract*
17 *between a charter school and an authorizer that identifies the roles, powers,*
18 *responsibilities, and performance expectations for each party to the contract*
19 *pursuant to Section 7 of this Act;*

20 *(6) "Charter school board of directors" means the independent board of a public*
21 *charter school that is party to the charter contract with the authorizer and whose*
22 *members have been elected or selected pursuant to the school's application;*

23 *(7) "Conversion public charter school" means a public charter school that existed as*
24 *a noncharter public school prior to becoming a public charter school;*

25 *(8) "Education service provider" means an education management organization,*
26 *school design provider, or any other partner entity with which a public charter*
27 *school contracts for educational design, implementation, or comprehensive*

1 management;

2 (9) "Local school board" means a school board exercising management and control
3 of a local school district;

4 (10) "Local school district" means a county or independent school district as
5 identified in KRS 160.010 and 160.020;

6 (11) "Parent" means a parent, guardian, or other person or entity having legal
7 custody of a child;

8 (12) "Public charter school" means a public school that

9 (a) Is a public body corporate and politic, exercising public power, including
10 the power in name to contract and be contracted with, sue and be sued, and
11 adopt bylaws not inconsistent with this section;

12 (b) Has autonomy over decisions, including but not limited to matters
13 concerning finance, personnel, scheduling, curriculum, and instruction;

14 (c) Is governed by an independent board of directors;

15 (d) Is established and operating under the terms of a charter contract between
16 the public charter school's board of directors and its authorizer;

17 (e) Is a public school to which parents choose to send their children;

18 (f) Is a public school that admits students on the basis of a random and open
19 lottery if more students apply for admission than can be accommodated;

20 (g) Offers a comprehensive instructional program within a public school
21 district;

22 (h) Operates in pursuit of a specific set of educational objectives as defined in
23 its charter contract; and

24 (i) Operates under the oversight of its authorizer in accordance with its charter
25 contract;

26 (13) "Public charter school authorizer" or "authorizer" means an entity or body that
27 reviews, approves, or denies charter applications, enters into charter contracts

- 1 with applicants, oversees public charter schools, and renews, does not renew, or
2 revokes charter contracts. Authorizers include:
- 3 (a) A local school board of a local school district in which a public charter
4 school is located;
- 5 (b) A collaborative among local school boards that forms to set up a regional
6 public charter school to be located within the area managed and controlled
7 by those local school boards;
- 8 (c) The mayor of a consolidated local government who may only authorize
9 public charter schools to be physically located within the county in which
10 the city is located and who has submitted a written notice to the state board
11 that he or she intends to serve as an authorizer; and
- 12 (d) The chief executive officer of an urban-county government who may only
13 authorize public charter schools to be physically located within the county
14 in which the city is located and who has submitted a written notice to the
15 state board that he or she intends to serve as an authorizer;
- 16 (14) "Qualified teacher" means a person certified by the Education Professional
17 Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;
- 18 (15) "Regional achievement academy" means a public charter school that has been
19 established to serve students across multiple school districts;
- 20 (16) "Regional achievement zone" means one (1) county containing four (4) or more
21 local school districts or two (2) or more contiguous counties, each containing
22 four (4) or more local school districts;
- 23 (17) "Start-up public charter school" means a public charter school that did not exist
24 as a noncharter public school prior to becoming a public charter school;
- 25 (18) "State board" means the Kentucky Board of Education;
- 26 (19) "Student" means any child who is eligible for attendance in a public school in
27 Kentucky; and

1 (20) "Virtual public charter school" means a public charter school that offers
2 educational services primarily or completely through an online program.

3 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) The General Assembly hereby finds and declares that:

6 (a) Reducing achievement gaps in Kentucky is necessary for the state to realize
7 its workforce and economic development potential;

8 (b) Past and current measures have been insufficient for making progress
9 toward reducing the state's achievement gaps;

10 (c) Additional public school options are necessary to help reduce
11 socioeconomic, racial, and ethnic achievement gaps; and

12 (d) The demand exists for high-quality public charter schools in the
13 Commonwealth.

14 (2) The General Assembly hereby establishes a public charter school project to
15 benefit parents, teachers, and community members by creating new, innovative,
16 and more flexible ways of educating all children within the public school system
17 and by advancing a renewed commitment to the mission, goals, and diversity of
18 public education. The purposes of the public charter school initiative are to:

19 (a) Improve student learning outcomes by creating additional high-performing
20 schools with high standards for student performance;

21 (b) Encourage the use of different, high-quality models of teaching, governing,
22 scheduling, or other aspects of schooling that meet a variety of student
23 needs;

24 (c) Close achievement gaps between high-performing and low-performing
25 groups of public school students;

26 (d) Allow schools freedom and flexibility in exchange for exceptional levels of
27 results-driven accountability;

- 1 (e) Increase high-quality educational opportunities within the public education
2 system for all students, especially those at risk of academic failure; and
- 3 (f) Provide students, parents, community members, and local entities with
4 expanded opportunities for involvement in the public education system.
- 5 (3) Beginning in academic year 2017-2018, any authorizer may authorize an
6 unlimited number of public charter schools within the boundary of the local
7 school district.
- 8 (4) A public charter school shall not be a virtual public charter school.
- 9 (5) (a) A public charter school authorized by a local school board or collaborative
10 may enroll students who reside within the boundaries of the district or
11 districts represented by the local school board or collaborative.
- 12 (b) Enrollment preference for a conversion public charter school shall be given
13 to students who attended the school the previous school year. If the number
14 of students enrolled does not exceed the capacity of the school, secondary
15 preference shall be given to students who reside within the district boundary
16 in which the public charter school is located.
- 17 (c) Enrollment preference for public charter schools shall be given to students
18 enrolled in the public charter school the previous year and to siblings of
19 students already enrolled in the school. An enrollment preference for
20 returning students shall exclude those students from entering into a lottery,
21 as identified in paragraph (f) of this subsection.
- 22 (d) Enrollment preference may be given to the children of the public charter
23 school's board of directors and full-time employees of the public charter
24 school provided they constitute no more than ten percent (10%) of the total
25 student population.
- 26 (e) A public charter school may allow an enrollment preference for students
27 who meet federal eligibility requirements for free or reduced-price meals

1 and students who attend persistently low-achieving noncharter public
 2 schools.

3 (f) If capacity is insufficient to enroll all students who wish to attend any
 4 specific grade level or program at a public charter school, the school shall
 5 select students through a randomized and transparent lottery.

6 (6) (a) A public charter school established within the boundaries of a regional
 7 achievement zone shall be a regional achievement academy.

8 (b) 1. A regional achievement academy may be authorized by a single local
 9 school board within the regional achievement zone or by a collaborative of
 10 local school boards within the regional achievement zone.

11 2. A regional achievement academy authorized by a single local school
 12 board shall be located within the boundaries of the authorizing local
 13 school district.

14 3. A regional achievement academy authorized by a collaborative of local
 15 school boards shall be located within the regional achievement zone.

16 (c) A regional achievement academy may only enroll students who reside
 17 within the boundaries of its regional achievement zone.

18 (d) Enrollment preference in a regional achievement academy may be given to
 19 students who reside within the boundaries of the local school district where
 20 the regional achievement academy is located.

21 (7) Consistent with the requirements of Sections 1 to 10 and 11 of this Act, the state
 22 board shall promulgate administrative regulations to guide student application,
 23 lottery, and enrollment in public charter schools.

24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 25 READ AS FOLLOWS:

26 (1) A public charter school shall be part of the state's system of public education but
 27 shall be exempt from all statutes and administrative regulations applicable to the

1 state board, a local school district, or a school, except the public charter school
2 shall adhere to the same health, safety, civil rights, and disability rights
3 requirements as are applied to all public schools and to all requirements
4 otherwise identified in Sections 1 to 10 and 11 of this Act.

5 (2) A public charter school may elect to comply with any one (1) or more provisions
6 of any state statute or administrative regulation.

7 (3) A public charter school shall:

8 (a) Be governed by a board of directors;

9 (b) Be established and operate in pursuit of a specific set of educational
10 objectives as defined in the charter contract between the school's board of
11 directors and its authorizer;

12 (c) Ensure students meet compulsory attendance requirements under KRS
13 158.030 and 158.100;

14 (d) Hire only qualified teachers to provide student instruction;

15 (e) Ensure high school course offerings meet or exceed the minimum required
16 under KRS 156.160 for high school graduation;

17 (f) Design its education programs to meet or exceed the student performance
18 standards adopted by the Kentucky Board of Education;

19 (g) Ensure students' participation in required state assessment of student
20 performance, as required under KRS 158.6453;

21 (h) Adhere to all generally accepted accounting principles and adhere to the
22 same financial audits, audit procedures, and audit requirements as are
23 applied to other public schools under KRS 156.265;

24 (i) Utilize the same system for reporting student information data and financial
25 data as is utilized by other school districts across the state;

26 (j) Require criminal background checks for staff and volunteers, including
27 members of its governing board, as required of all public school employees

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

- 1 6. Solicit and accept any gifts or grants for school purposes, subject to
2 applicable laws and the terms of its charter;
- 3 7. Acquire real property for use as its facility or facilities, from public or
4 private sources; and
- 5 8. Employ or contract with other entities for the provision of teaching,
6 professional, and support staff, as needed; and
- 7 (a) Conduct an admissions lottery if capacity is insufficient to enroll all
8 students who wish to attend the school and ensure that every student has a
9 fair opportunity to be considered in the lottery and that the lottery is
10 competently conducted, equitable, randomized, transparent, impartial, and
11 in accordance with targeted student population and service community as
12 identified in Section 4(3) of this Act so that students are accepted in a public
13 charter school without regard to ethnicity, national origin, religion, sex,
14 income level, disabling condition, proficiency in the English language, or
15 academic or athletic ability.
- 16 (4) For purposes of this subsection, a member of the board of directors of a public
17 charter school shall be considered a board member under KRS 156.132 and an
18 officer under KRS 61.040 and shall be removed from office under the provisions
19 of those statutes.
- 20 (5) A local school district shall provide or publicize to parents and the general public
21 information about public charter school authorized by the local school district as
22 an enrollment option within the district to the same extent and through the same
23 means that the school district provides and publicizes information about
24 noncharter public schools in the district.
- 25 (6) A local school district shall not assign or require any student enrolled in the local
26 school district to attend a public charter school.
- 27 (7) (a) For purposes of ensuring compliance with this section and the charter

1 under which it operates, a public charter school shall be administered by a
2 public charter school board of directors accountable to the authorizer in a
3 manner agreed to in the charter contract, as negotiated between the public
4 charter school applicant and the authorizer.

5 (b) The board of directors of a public charter school shall consist of a
6 minimum of two (2) parents of students attending any public charter school
7 operating under the direction of the board of directors.

8 (c) A member of the board of directors of a public charter school shall:

9 1. Not be an employee of that school or of an education service provider
10 that provides services to the school; and

11 2. File full disclosure reports and identify any potential conflicts of
12 interest, relationships with management organizations, and
13 relationships with family members who are applying to or are
14 employed by the public charter school or have other business dealings
15 with the school, the management organization of the school, or any
16 other public charter school and shall make these documents available
17 online through the authorizer.

18 (8) Collectively, members of the board of directors shall possess expertise in
19 leadership, curriculum and instruction, law, and finance.

20 (9) (a) A board of directors may hold one (1) or more charter contracts.

21 (b) Each public charter school under contract with a board of directors shall be
22 separate and distinct from any other public charter school under contract
23 with the board of directors.

24 (10) The board of directors shall be responsible for the operation of its public charter
25 school, including but not limited to preparation of a budget, contracting for
26 services, school curriculum, and personnel matters.

27 (11) The board of directors shall:

1 (a) Ensure that all meetings of the board are publicized in advance according
2 to the rules governing the authorizer and are open to the public at times
3 convenient to parents; and

4 (b) Require any education service provider contracted with the board to provide
5 a monthly detailed budget to the board.

6 (12) (a) A public charter school may negotiate and contract with its authorizer or
7 any third party for the use, operation, and maintenance of a building and
8 grounds, liability insurance, and the provision of any service, activity, or
9 undertaking that the public charter school is required to perform in order to
10 carry out the educational program described in its charter. Any services for
11 which a public charter school contracts with a school district shall be
12 provided by the district at cost and shall be negotiated as a separate
13 agreement after final charter contract negotiations. The public charter
14 school shall have standing to sue and be sued in its own name for the
15 enforcement of any contract under color of authority granted by Sections 1
16 to 10 of this Act. A public charter school may own, rent, or lease its space.

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

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

- 1 (14) A public charter school shall be nonsectarian in its programs, admissions
2 policies, employment practices, partnerships, and all other operations and shall
3 not have entrance requirements or charge tuition or fees, except that a public
4 charter school may require the payment of fees on the same basis and to the same
5 extent as other public schools.
- 6 (15) A public charter school shall not discriminate against any student, employee, or
7 any other person on the basis of ethnicity, religion, national origin, sex,
8 disability, special needs, athletic ability, academic ability, or any other ground
9 that would be unlawful if done by a public school.
- 10 (16) A public charter school shall serve one (1) or more of grades kindergarten
11 through twelve (12) and shall limit admission to students within the grade levels
12 served.
- 13 (17) A public charter school shall provide programs and services to a student with a
14 disability in accordance with the student's individualized education program and
15 all federal and state laws, rules, and regulations. A public charter school shall
16 deliver the services directly or contract with another provider to deliver the
17 services. A public charter school shall establish an admissions and release
18 committee at the school and the committee shall:
- 19 (a) Develop an individualized education program for each student with a
20 disability; or
- 21 (b) Review, revise, or utilize a student's individualized education program
22 completed by the admissions and release committee of the student's former
23 school. If needed, the committee shall work collaboratively with staff from
24 the student's former school to review and revise a student's existing
25 individualized education program.
- 26 (18) (a) A public charter school shall be eligible to participate in state-sponsored or
27 district-sponsored interscholastic athletics, academic programs,

1 competitions, awards, scholarships, and recognition programs for students,
2 educators, administrators, and schools to the same extent as noncharter
3 public schools. Participants shall comply with eligibility requirements of
4 students enrolled in noncharter public schools.

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

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

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

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

25 (19) Nothing in this section shall be construed to prevent the establishment of a
26 single-sex public charter school consistent with federal regulations or a public
27 charter school designed to provide expanded learning opportunities for students

1 at-risk of academic failure or for students with special needs.

2 (20) The authorizer of a public charter school shall semiannually consider for
3 approval a public charter school's proposed amendments to a charter contract.
4 The authorizer may consider requests for amendments more frequently upon
5 mutual agreement between the authorizer and the public charter school. The
6 denial of an amendment request is appealable pursuant to Section 6 of this Act.

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

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

25 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) An application to establish a public charter school may be submitted to a public

1 charter school authorizer by teachers, parents, school administrators, community
2 residents, public organizations, nonprofit organizations, or a combination
3 thereof.

4 (2) An applicant shall submit an application for approval of a public charter school
5 to an authorizer and simultaneously to the state board. Charter authorizers shall
6 accept and document the date and time of receipt of all charter applications.

7 (3) The information provided in the application shall be consistent with this section
8 and shall include:

9 (a) A mission statement and a vision statement for the public charter school,
10 including the targeted student population and the community the school
11 hopes to serve;

12 (b) A description of the school's proposed academic program that is aligned
13 with state standards, and that implements one (1) or more of the purposes
14 described in Section 2 of this Act, and the instructional methods that will
15 support the implementation and success of the program;

16 (c) 1. The student achievement goals for the public charter school's
17 educational program and the chosen methods of evaluating whether
18 students have attained the skills and knowledge specified for those
19 goals; and

20 2. An explanation of how the school's proposed educational program is
21 likely to improve the achievement of traditionally underperforming
22 students in the local school district;

23 (d) The school's plan for using external, internal, and state-required
24 assessments to measure student progress on the performance framework as
25 identified in Section 7 of this Act, and how the school will use data to drive
26 instruction and continued school improvement;

27 (e) The proposed governance structure of the school, including a list of

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

8 (f) 1. Plans and timelines for student recruitment and enrollment, including
9 policies and procedures for conducting transparent and random
10 admission lotteries that are open to the public, and that are consistent
11 with Sections 2 and 3 of this Act.

12 2. An application shall demonstrate a plan to recruit at least one
13 hundred (100) students, unless the application is focused on serving
14 special needs or at-risk students;

15 (g) A proposed five (5) year budget, including the start-up year and projections
16 for four (4) additional years with clearly stated assumptions;

17 (h) Draft fiscal and internal control policies for the public charter school;

18 (i) Requirements and procedures for programmatic audits and assessments at
19 least once annually, with audits and assessments being comparable in scope
20 to those required of noncharter public schools;

21 (j) A draft handbook that outlines the personnel policies of the public charter
22 school, including the criteria to be used in the hiring of qualified teachers,
23 school administrators, and other school employees, a description of staff
24 responsibilities, and the school's plan to evaluate personnel on an annual
25 basis;

26 (k) A draft of the policies and procedures by which students may be disciplined,
27 including students with disabilities, which shall be consistent with the

1 requirements of due process and with state and federal laws and regulations
2 governing the placement of students with disabilities;

3 (l) A description of the facilities to be used by the public charter school,
4 including the location of the school, if known, and how the facility supports
5 the implementation of the school's academic program. If the facilities to be
6 used by the proposed school are not known at the time the application is
7 submitted, the applicant shall notify the authorizer within ten (10) business
8 days of acquiring facilities for the school. The school shall obtain
9 certification of occupancy for the facilities at least thirty (30) days prior to
10 the first student instructional day;

11 (m) The proposed ages and grade levels to be served by the public charter
12 school, including the planned, minimum, and maximum enrollment per
13 grade per year;

14 (n) The school calendar and school day schedule, which shall total at least the
15 equivalent to the student instructional year specified in KRS 158.070;

16 (o) Types and amounts of insurance coverage to be obtained by the public
17 charter school, which shall include adequate insurance for liability,
18 property loss, and the personal injury of students comparable to other
19 schools within the local school district operated by the local school board;

20 (p) A description of the health and food services to be provided to students
21 attending the school;

22 (q) Procedures to be followed in the case of the closure or dissolution of the
23 public charter school, including provisions for the transfer of students and
24 student records to the local school district in which the public charter
25 school is located or to another charter school located within the local school
26 district and an assurance and agreement to payment of net assets or equity,
27 after payment of debts as specified in Section 9 of this Act;

- 1 (r) A code of ethics for the school setting forth the standards of conduct
2 expected of its board of directors, officers, and employees;
- 3 (s) Plans for recruiting and developing staff;
- 4 (t) A staffing chart for the school's first year and a staffing chart for the term
5 of the charter;
- 6 (u) A plan for parental and community involvement in the school, including the
7 role of parents in the administration and governance of the school;
- 8 (v) The public charter school's plan for identifying and successfully serving
9 students with disabilities, students who are English language learners,
10 bilingual students, and students who are academically behind and gifted,
11 including but not limited to the school's plan for compliance with all
12 applicable federal and state laws and regulations;
- 13 (w) A description of cocurricular and extracurricular programs and how they
14 will be funded and delivered;
- 15 (x) The process by which the school will resolve any disputes with the
16 authorizer; and
- 17 (y) A detailed start-up plan, including financing, tasks, timelines, and
18 individuals responsible for carrying out the plan.
- 19 (4) If the public charter school applicant intends to contract with an education
20 service provider for educational program implementation or comprehensive
21 management, the application shall additionally require the applicant to:
- 22 (a) Provide evidence of success in serving student populations similar to the
23 targeted population, including demonstrated academic achievement as well
24 as successful management of nonacademic school functions, if applicable;
- 25 (b) Provide student performance data and financial audit reports for all current
26 and past public charter schools;
- 27 (c) Provide documentation of and explanation for any actions taken against

1 any of its public charter schools for academic, financial, or ethical
 2 concerns;

3 (d) Provide evidence of current capacity for growth;

4 (e) Provide a term sheet setting forth:

5 1. The proposed duration of the service contract;

6 2. The annual proposed fees to be paid to the education service provider;

7 3. The roles and responsibilities of the board of directors, the school
 8 staff, and the education service provider;

9 4. The scope of services and resources to be provided by the education
 10 service provider;

11 5. Performance evaluation measures and timelines;

12 6. Compensation structure, including clear identification of all fees to be
 13 paid to the education service provider;

14 7. Methods of contract oversight and enforcement;

15 8. Investment disclosure; and

16 9. Conditions for renewal and termination of the contract; and

17 (f) Disclose and explain any existing or potential conflicts of interest between
 18 the board of directors and the proposed education service provider or any
 19 affiliated business entities.

20 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 21 READ AS FOLLOWS:

22 (1) A public charter school authorizer shall:

23 (a) Fulfill the expectations and intent of this section and Sections 1 to 10 and
 24 11 of this Act;

25 (b) Demonstrate public accountability and transparency in all matters
 26 concerning its charter-authorizing practices, decisions, and expenditures;

27 (c) Solicit, invite, and evaluate applications from applicants;

- 1 (d) Approve new and renewal charter applications that meet the requirements
2 of this section and Section 4 of this Act;
- 3 (e) Decline to approve charter applications that:
- 4 1. Fail to meet the requirements of this section and Section 4 of this Act;
5 or
6 2. Are for a school that would be wholly or partly under the control or
7 direction of any religious denomination;
- 8 (f) Negotiate and execute in good faith a charter contract with each public
9 charter school it authorizes;
- 10 (g) Monitor the performance and compliance of public charter schools
11 according to the terms of the charter contract;
- 12 (h) Determine whether each charter contract it authorizes merits renewal or
13 revocation; and
- 14 (i) Establish and maintain policies and practices consistent with the principles
15 and professional standards for authorizers of public charter schools,
16 including standards relating to:
- 17 1. Organizational capacity and infrastructure;
18 2. Soliciting and evaluating applications;
19 3. Performance contracting;
20 4. Ongoing public charter school oversight and evaluation; and
21 5. Charter approval, renewal, and revocation decision making.
- 22 (2) In reviewing applications, the public charter school authorizer is encouraged to
23 give preference to applications that demonstrate the intent, capacity, and
24 capability to provide comprehensive learning experiences to:
- 25 (a) Students identified by the applicants as at risk of academic failure; and
26 (b) Students with special needs as identified in their individualized education
27 program as defined in KRS 158.281.

- 1 (3) After a charter applicant submits a written application to establish a public
2 charter school, the authorizer shall:
- 3 (a) Complete a thorough review process;
4 (b) Conduct an in-person interview with the applicant group;
5 (c) Provide an opportunity in a public forum for local residents to provide input
6 and learn about the charter application;
7 (d) Provide a detailed analysis of the application to the applicant or applicants;
8 (e) Allow an applicant a reasonable time to provide additional materials and
9 amendments to its application to address any identified deficiencies; and
10 (f) Approve or deny a charter application based on established objective
11 criteria or request additional information.
- 12 (4) In deciding to approve a charter application, the authorizer shall:
- 13 (a) Grant charters only to applicants that possess competence in all elements of
14 the application requirements identified in this section and Section 4 of this
15 Act;
16 (b) Base decisions on documented evidence collected through the application
17 review process; and
18 (c) Follow charter-granting policies and practices that are transparent, based
19 on merit, and avoid conflicts of interest.
- 20 (5) No later than sixty (60) days following the filing of the charter application, the
21 authorizer shall approve or deny the charter application. The authorizer shall
22 adopt by resolution all charter approval or denial decisions in an open meeting of
23 the authorizer's board of directors.
- 24 (6) Any failure to act on a charter application shall be deemed a denial by the
25 authorizer.
- 26 (7) An application shall be approved if the public charter school authorizer finds
27 that:

- 1 (a) The public charter school described in the application meets the
2 requirements established by this section and Sections 1 and 3 of this Act;
3 (b) The applicant demonstrates the ability to operate the school in an
4 educationally and fiscally sound manner; and
5 (c) Approving the application is likely to improve student learning and
6 achievement and further the purposes established by Section 2 of this Act.
7 (8) An authorizer shall provide a written explanation within five (5) days, for the
8 public record, stating its reasons for approval or denial of a charter application,
9 including a thorough explanation of how the charter application either meets or
10 fails to meet established objective criteria for making charter application
11 decisions, and the authorizing process by which the authorizer used to review,
12 evaluate, and make its final decision.
13 (9) An authorizer's charter application approval shall be submitted to the Kentucky
14 Department of Education for final approval by the commissioner of education.

15 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
16 READ AS FOLLOWS:

- 17 (1) The state board, upon receipt of a notice of appeal or upon its own motion, shall
18 review decisions of any authorizer concerning the approval or denial of a public
19 charter school application, the nonrenewal or revocation of a public charter
20 school's contract, the denial of a public charter school's request to consider a
21 charter amendment, or the unilateral imposition of conditions, in accordance
22 with the provisions of this section.
23 (2) A charter applicant or approved public charter school who wishes to appeal a
24 decision of an authorizer concerning a charter application, a charter amendment,
25 or the nonrenewal or revocation of a charter, or the unilateral imposition of
26 conditions, shall provide the state board and the authorizer with a notice of
27 appeal within thirty (30) days after the authorizer's decision. The person bringing

1 the appeal shall limit the grounds of the appeal to the grounds for the denial of or
2 the nonrenewal or revocation of a charter, or the unilateral imposition of
3 conditions, whichever is being appealed, specified by the authorizer. The notice
4 shall include a brief statement of the reasons the public charter school applicant
5 or public charter school contends the authorizer's denial of or nonrenewal or
6 revocation of a charter, or imposition of conditions was in error.

7 (3) If the notice of appeal, or the motion to review by the state board, relates to an
8 authorizer's decision to deny, refuse to renew, or revoke a charter or to an
9 authorizer's unilateral imposition of conditions that are unacceptable to the
10 charter applicant or public charter school, the appeal and review process shall be
11 as follows:

12 (a) Within forty-five (45) days after receipt of the notice of appeal or the
13 making of a motion to review by the state board and after reasonable public
14 notice, the state board, at a public hearing which may be held in the school
15 district in which the proposed public charter school has applied for a
16 charter, shall review the decision of the authorizer and make its findings. If
17 the state board finds that the authorizer's decision was contrary to the best
18 interest of the students or community, the state board shall remand such
19 decision to the authorizer with written instructions for reconsideration
20 thereof. The instructions shall include specific recommendations
21 concerning the matters requiring reconsideration;

22 (b) Within thirty (30) days following the remand of a decision to the authorizer
23 and after reasonable public notice, the authorizer, at a public hearing, shall
24 reconsider its decision and make a final decision;

25 (c) If the authorizer's final decision is still to deny, refuse to renew, or revoke a
26 charter or to unilaterally impose conditions unacceptable to the charter
27 applicant, a second notice of appeal may be filed with the State Board of

1 Education within thirty (30) days following such final decision;

2 (d) Within thirty (30) days following receipt of the second notice of appeal or
3 the making of a motion for a second review by the State Board of Education
4 and after reasonable public notice, the state board, at a public hearing shall
5 determine if the final decision of the authorizer was contrary to the best
6 interest of the students or community. If such a finding is made, the state
7 board shall remand such final decision to the authorizer with instructions
8 to approve the charter application or amendment, or to renew or reinstate
9 the charter, or to approve or disapprove conditions imposed. The decision of
10 the state board shall be a final action subject to judicial review in the
11 Circuit Court encompassing the school district in which the public charter
12 school is located; and

13 (e) Charters granted to applicants by authorizers after a successful appeal to
14 the state board, as outlined in paragraph (d) of this subsection, shall be
15 provided joint oversight by the authorizer and the state board for, at a
16 minimum, the first five (5) years of the school's operation, and until the
17 authorizer, state board, and public charter school agree that charter
18 oversight may be provided solely by the authorizer. The state board shall be
19 a formal participant in all authorizing decision making concerning the
20 public charter school during that period, and shall be included in all
21 communication between the public charter school and the authorizer.

22 (4) (a) Within ten (10) days of taking action to approve or deny a charter
23 application that has been remanded back to the authorizer for
24 reconsideration, the authorizer shall notify the state board of the action
25 taken.

26 (b) The authorizer shall provide a report to the charter applicant, the state
27 board, and the Education and Workforce Development Cabinet

1 simultaneously and shall include a copy of the resolution adopted by the
2 authorizer's board of directors identifying any action taken, the reason for
3 the decision, and an assurance as to compliance with all of the procedural
4 requirements and application elements found in this section and Sections 2
5 and 4 of this Act.

6 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
7 READ AS FOLLOWS:

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

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

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

19 1. The term of the contract;

20 2. The agreements relating to each item required under subsection (3) of
21 Section 3 and subsection (3) of Section 4 of this Act, as modified or
22 supplemented during the approval process;

23 3. The rights and duties of each party;

24 4. The administrative relationship between the authorizer and the public
25 charter school;

26 5. The allocation of state, local, and federal funds, and the schedule to
27 disburse funds to the public charter school by the authorizer;

- 1 6. The process the authorizer will use to provide ongoing oversight,
2 including a process to conduct annual site visits;
- 3 7. The specific commitments of the public charter school authorizer
4 relating to its obligations to oversee, monitor the progress of, and
5 supervise the public charter school;
- 6 8. The process and criteria the authorizer will use to annually monitor
7 and evaluate the overall academic, operating, and fiscal conditions of
8 the public charter school, including the process the authorizer will use
9 to oversee the correction of any deficiencies found in the annual
10 review;
- 11 9. The process for revision or amendment to the terms of the charter
12 contract agreed to by the authorizer and the board of directors of the
13 public charter school;
- 14 10. The process agreed to by the authorizer and the board of directors of
15 the public charter school that identifies how disputes between the
16 authorizer and the board will be handled; and
- 17 11. Any other terms and conditions agreed to by the authorizer and the
18 board of directors, including pre-opening conditions. Reasonable
19 conditions shall not include enrollment caps or operational
20 requirements that place undue constraints on a public charter school
21 or are contradictory to the provisions of Sections 1 to 10 and 11 of this
22 Act. Such conditions, even when incorporated in a charter contract,
23 shall be considered unilaterally imposed conditions.
- 24 (d) 1. The performance provisions within a charter contract shall be based
25 on a performance framework that sets forth the academic and
26 operational performance indicators, measures, and metrics to be used
27 by the authorizer to evaluate each public charter school. The

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

- 1 achievement data for each public charter school it oversees.
- 2 (e) Annual student achievement performance targets shall be set, in
3 accordance with the state accountability system, by each public charter
4 school in conjunction with its authorizer, and those measures shall be
5 designed to help each school meet applicable federal, state, and authorizer
6 goals.
- 7 (f) The charter contract shall be signed by the chair of the governing board of
8 the authorizer and the chair of the board of directors of the public charter
9 school. An approved charter application shall not serve as a charter
10 contract for the public charter school.
- 11 (g) No public charter school may commence operations without a charter
12 contract executed according to this section and approved in an open
13 meeting of the governing board of the authorizer.
- 14 (2) Within five (5) days after entering into a charter contract, a copy of the executed
15 contract shall be submitted by the authorizer to the commissioner of education.
- 16 (3) The state board shall promulgate administrative regulations to establish the
17 process to be used to evaluate the performance of a charter school authorizer,
18 based upon the requirements of Sections 1 to 10 and 11 of this Act, and the
19 actions to be taken in response to failures in performance.
- 20 (4) The commissioner of education shall apply for financial assistance through the
21 federal government for the planning, program design, and initial implementation
22 of public charter schools in the state within sixty (60) days after the effective date
23 of this Act or at the first available grant application period. Federal grants
24 include but are not limited to the Charter Schools Program administered by the
25 United States Department of Education.
- 26 (5) By August 31, 2019, and annually thereafter, each public charter school
27 authorizer shall submit to the commissioner of education, the secretary of the

1 Education and Workforce Development Cabinet, and the Interim Joint
 2 Committee on Education a report to include:

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

5 1. Closed during or after the academic year; or

6 2. Had the contract nonrenewed or revoked;

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

10 (c) The number of applications received, the number reviewed, and the number
 11 approved;

12 (d) A summary of the academic and financial performance of each public
 13 charter school operated under contract with the authorizer during the
 14 previous academic year; and

15 (e) The authorizing duties and functions performed by the authorizer during
 16 the previous academic year.

17 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 18 READ AS FOLLOWS:

19 (1) Upon the approval of a charter contract by a public charter school authorizer, the
 20 applicant shall be permitted to operate a public charter school for a term of five
 21 (5) years.

22 (2) The board of directors of the public charter school shall negotiate and execute a
 23 charter contract with the governing body of the authorizer.

24 (3) A public charter school shall have all corporate powers necessary and desirable
 25 for carrying out a public charter school program in accordance with this section
 26 and the terms of the charter contract, including all of the powers of a local board
 27 of education and of a local school district, except as otherwise provided in

1 Sections 1 to 10 of this Act.

2 (4) The powers granted to a public charter school under this section constitute the
3 performance of essential public purposes and governmental purposes of this
4 state. A public charter school shall be exempt to the same extent as other public
5 schools from all taxation, fees, assessments, or special ad valorem levies on its
6 earnings and its property. Instruments of conveyance to or from a public charter
7 school and any bonds or notes issued by a public charter school, together with the
8 income received, shall at all times be exempt from taxation.

9 (5) A public charter school shall not have the power to levy taxes or to acquire
10 property by eminent domain, but shall have police powers to the same extent and
11 under the same requirements as a local school district.

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

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

22 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) A charter contract may be renewed by the authorizer for a term of duration of
25 five (5) years, although the authorizer may vary the term to as few as three (3)
26 years. Any variation in the public charter school's term must be solely based on
27 the performance, demonstrated capacities, and particular circumstances of a

1 public charter school. Authorizers may grant renewal with specific conditions for
2 necessary improvements to a public charter school, but may not impose
3 conditions inconsistent with Sections 1 to 10 of this Act.

4 (2) (a) No later than one (1) calendar year prior to the expiration date of a charter
5 contract, an authorizer shall issue a public charter school performance
6 report and charter renewal application guidance to the public charter
7 school it authorized. The performance report shall summarize the school's
8 performance record to date, based on the performance framework required
9 under Section 7 of this Act and the charter contract, and shall provide
10 notice of any weaknesses or concerns related to the school that may
11 jeopardize its position in seeking renewal if not timely rectified and of any
12 strengths or achievements that support its position in seeking renewal.

13 (b) The school shall have twenty (20) days to respond to the performance report
14 and submit any corrections or clarification for the report to the authorizer.

15 (c) Within ten (10) days of receiving a school's response, the authorizer shall
16 review the response and issue a final performance report to the school.

17 (3) (a) The renewal application guidance shall, at a minimum, provide an
18 opportunity for the public charter school to:

19 1. Present additional evidence beyond the data contained in the
20 performance report supporting its case for charter renewal;

21 2. Describe improvements undertaken or planned for the school; and

22 3. Detail the school's plan for the next charter term.

23 (b) The renewal application guidance shall include or refer explicitly to the
24 criteria that will guide the authorizer's renewal decisions, which shall be
25 based on the performance framework as identified in the charter contract.

26 (4) (a) No later than six (6) months prior to the expiration date of a charter
27 contract, the board of directors of a public charter school seeking charter

1 contract renewal shall submit a renewal application to the authorizer
2 pursuant to the renewal application guidance issued by the authorizer.

3 (b) The authorizer shall rule by resolution on the renewal application no later
4 than thirty (30) days after receipt of the application.

5 (5) In making charter application, renewal, or other appealable decisions, an
6 authorizer shall:

7 (a) Make its decision within established timeframes. Any failure of the
8 authorizer to act on a charter application, renewal, or other appealable
9 decision shall be deemed a denial of the requested action and thereafter be
10 subject to appeal;

11 (b) Base its decision on evidence of the public charter school's performance
12 over the term of the charter contract in accordance with the performance
13 framework required in the charter contract;

14 (c) Ensure that data used in making renewal decisions is available to the public
15 charter school and the public; and

16 (d) Provide a public report summarizing the evidence basis for each decision.

17 (6) A charter contract may not be renewed if the authorizer determines that the
18 public charter school has:

19 (a) Committed a material violation of any of the terms, conditions, standards,
20 or procedures required under Sections 1 to 10 and 11 of this Act or the
21 charter contract, and has persistently failed to correct the violation after fair
22 and specific notice from the authorizer;

23 (b) Failed to meet or make significant progress toward the performance
24 expectations identified in the charter contract;

25 (c) Failed to meet generally accepted standards of fiscal management, and has
26 failed to correct the violation after fair and specific notice from the
27 authorizer; or

- 1 (d) Substantially violated any material provision of law from which the public
2 charter school was not exempted and has failed to correct the violation after
3 fair and specific notice from the authorizer.
- 4 (7) An authorizer may take immediate action to revoke a charter contract if a
5 violation threatens the health and safety of the students of the public charter
6 school.
- 7 (8) The State Board of Education shall promulgate administrative regulations
8 establishing a revocation and nonrenewal process for charter authorizers that:
- 9 (a) Provides the charter holder with a timely notification of the prospect of
10 revocation or nonrenewal and of the reasons for such possible closure;
- 11 (b) Allows a charter holder a reasonable time in which to prepare a response;
- 12 (c) Provides the charter holder with an opportunity to submit documentation
13 and provide testimony challenging the rationale behind the closure and in
14 support of the continuation of the school at an orderly proceeding held for
15 that purpose;
- 16 (d) Allows the charter holder the right to representation by counsel and to call
17 witnesses on behalf of the charter holder;
- 18 (e) Permits the recording of such proceedings; and
- 19 (f) After a reasonable period of deliberation, requires a final determination be
20 made and conveyed in writing to the charter holder.
- 21 (9) If an authorizer revokes or does not renew a contract, the authorizer shall clearly
22 state, in a resolution of its governing board the reason for the revocation or
23 nonrenewal.
- 24 (10) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the
25 authorizer shall report to the state board the action taken, and shall provide a
26 report to the public charter school at the same time the report is issued to the state
27 board. The report shall include a copy of the resolution adopted by the

1 authorizer's governing board describing the action taken and reasons for the
2 decision and assurance as to compliance with all of the procedural requirements
3 and application elements found in Section 4 of this Act.

4 (11) An authorizer shall develop a public charter school closure protocol to ensure
5 timely notification to parents, orderly transition of students and student records
6 to new schools, and proper disposition of school funds, property, and assets. The
7 protocol shall specify tasks, timelines, and responsible parties, including
8 delineating the respective duties of the school and the authorizer. If a public
9 charter school closes for any reason, the authorizer shall oversee and work with
10 the closing school to ensure a smooth and orderly closure and transition for
11 students and parents, as guided by the closure protocol. If a public charter school
12 is subject to closure, following exhaustion of any appeal allowed under Section 6
13 of this Act, an authorizer may remove at will at any time any or all of the
14 members of the board of directors of the public charter school in connection with
15 ensuring a smooth and orderly closure. If the authorizer removes members of the
16 board of directors such that the board of directors can no longer function, the
17 authorizer shall be empowered to take any further necessary and proper acts
18 connected with closure of the public charter school in the name and interest of
19 the public charter school.

20 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) An existing public school not scheduled for closure may be converted into a
23 public charter school and be identified as a conversion public charter school if an
24 applicant indicates to a valid authorizer the intent to convert an existing public
25 school into a conversion public charter school.

26 (2) A conversion public charter school may only be established if:

27 (a) A school has been identified by the Kentucky Department of Education as

1 performing in the lowest five percent (5%) of its level and sixty percent
2 (60%) of the parents or guardians of students who attend the school have
3 signed a petition requesting the conversion, which shall be completed and
4 submitted to a valid authorizer no later than ninety (90) days after the date
5 of the first signature;

6 (b) A school has been identified by the Kentucky Department of Education as
7 not performing in the lowest five percent (5%) of its level and sixty percent
8 (60%) of the parents or guardians of students who attend the school have
9 signed a petition requesting the conversion, which is approved by a majority
10 vote of the local school board. If approved the completed petition shall be
11 submitted to a valid authorizer no later than ninety (90) days after the date
12 of the first signature; or

13 (c) The local school board votes to convert an existing public school over which
14 it has authority.

15 (3) For each conversion option identified in subsection (2) of this section, the
16 Kentucky Board of Education shall promulgate administrative regulations to
17 govern the processes and procedures for the petition, the conversion, and the
18 operation of a conversion public charter school.

19 (4) A conversion public charter school shall be governed by a board of directors
20 constituted and empowered as provided in Section 3 of this Act.

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

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

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

1 (8) (a) For any collective bargaining agreement entered into on or after the
2 effective date of this Act, a governing board shall not be bound by its
3 collective bargaining agreement for employees of a conversion public
4 charter school.

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

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

10 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) As used in this section, "public charter school," "local school board," and "local
13 school district" have the same meanings as in Section 1 of this Act.

14 (2) (a) Public charter school employees shall participate in the Teachers'
15 Retirement System or the County Employees Retirement System, as
16 determined by their eligibility for participation in the appropriate system
17 and provided the public charter school satisfies the criteria set by the
18 Internal Revenue Service to participate in a governmental retirement plan.

19 (b) Teachers and other certified personnel shall make any required employee
20 contributions to the Teachers' Retirement System under KRS 161.220 to
21 161.716.

22 (c) Classified employees shall make any required employee contributions to the
23 County Employees Retirement System under KRS 78.510 to 78.852.

24 (3) (a) A public charter school employee shall not be required to be a member of
25 any collective bargaining agreement.

26 (b) A public charter school employee who enters into any collective bargaining
27 unit must do so as a separate unit from the local school district.

1 (4) A local school board shall not require any employee of the local school district to
2 be employed in a public charter school or any student enrolled in the school
3 district to attend a public charter school.

4 (5) A local school board shall not harass, threaten, discipline, discharge, retaliate, or
5 in any manner discriminate against any district employee involved directly or
6 indirectly with an application to establish a public charter school.

7 ➔Section 12. If any provision of this Act or the application thereof to any person
8 or circumstance is held invalid, the invalidity shall not affect other provisions or
9 applications of the Act that can be given effect without the invalid provision or
10 application, and to this end the provisions of this Act are severable.