

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 290 Department or Agency State Department of Education
Rule No. 290-3-6
Rule Title: Charter Schools

New Amend
Repeal Adopt by Reference (Check appropriate box)

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO


Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule does have an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.



Thomas R. Bice
State Superintendent of Education

June 4, 2015

DATE

APA-2
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-3-6 Charter Schools

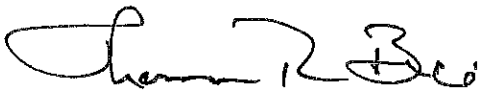
INTENDED ACTION: Adopt Emergency Rules as New Permanent Rules

SUBSTANCE OF PROPOSED ACTION: This new chapter implements the requirements of the Alabama School Choice and Student Opportunity Act enacted as Act No. 2015-3.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:30 a.m., August 13, 2015, Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than August 12, 2015, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 13, 2015

CONTACT PERSON AT AGENCY: Dr. Thomas R. Bice
Alabama State Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-242-9700)



Thomas R. Bice
State Superintendent of Education

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION

CHAPTER 290-3-6
CHARTER SCHOOLS

TABLE OF CONTENTS

290-3-6-.01	<u>Establishment of Public Charter Schools.</u>
290-3-6-.02	<u>Definitions.</u>
290-3-6-.03	<u>Guidelines for Public Charter Schools.</u>

290-3-6-.01 Establishment of Public Charter Schools.

Effective March 19, 2015, public charter schools are established as a part of the public education system of the state of Alabama. A public charter school shall not be established in Alabama unless authorized by the Act and the rules and regulations of the Alabama State Board of Education.

Author: Thomas R. Bice.

Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3.

History: Filed New Rule on 6-11-15.

290-3-6-.02 Definitions.

(1) ACT. The Alabama School Choice and Student Opportunity Act enacted as Act No. 2015-3 to provide for public charter schools.

(2) APPLICANT. A group with 501(c)(3) tax-exempt status or that has submitted an application for 501(c)(3) tax-exempt status that develops and submits an application for a public charter school to an authorizer.

(3) APPLICATION. A proposal from an applicant to an authorizer to enter into a charter contract whereby the proposed school obtains public charter school status.

(4) AT-RISK STUDENT. A student who has an economic or academic disadvantage that requires special services and assistance to succeed in educational programs. The term includes, but is not limited to, students who are members of economically disadvantaged families, students who are identified as having special education needs, students who are limited in English proficiency, students who are at risk of dropping out of high school, and students who do not meet minimum standards of academic proficiency.

(5) AUTHORIZER. An entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts.

(6) CHARTER CONTRACT. A fixed-term renewable contract between a public charter school and an authorizer that outlines the roles, powers, responsibilities, and quantitative and qualitative performance expectations for each party to the contract.

- (7) COMMISSION. The Alabama Public Charter School Commission.
- (8) CONVERSION PUBLIC CHARTER SCHOOL. A public charter school that existed as a non-charter public school before becoming a public charter school. A conversion public charter school shall adopt and maintain a policy giving enrollment preference to students who reside within the former attendance zone of the public school.
- (9) DEPARTMENT. The Alabama State Department of Education.
- (10) EDUCATION SERVICE PROVIDER. An entity with which a public charter school intends to contract with for educational design, implementation, or comprehensive management. This relationship shall be articulated in the public charter school application.
- (11) GOVERNING BOARD. The independent board of a public charter school that is party to the charter contract with the authorizer. A governing board shall have at least 20 percent of its membership be parents of students who attend or have attended the public charter school for at least one academic year. Before the first day of instruction, the 20 percent membership requirement may be satisfied by parents who intend to have their students attend the public charter school.
- (12) GUIDELINES. The guidance for public charter schools issued by the Department.
- (13) LOCAL SCHOOL BOARD. A city or county board of education exercising management and control of a city or county local school system pursuant to state law.
- (14) LOCAL SCHOOL SYSTEM. A public agency that establishes and supervises one or more public schools within its geographical limits pursuant to state law. A local school system includes a city or county school system.
- (15) NATIONALLY RECOGNIZED AUTHORIZING STANDARDS. Standards for high quality public charter school issued by the National Association of Charter School Authorizers.
- (16) NON-CHARTER PUBLIC SCHOOL. A public school other than a school formed pursuant to the Act. A public school that is under the direct management, governance, and control of a local school board or the state.
- (17) PARENT. A parent, guardian, or other person or entity having legal custody of a child.
- (18) PUBLIC CHARTER SCHOOL. A public school formed pursuant to the Act.
- (19) RESIDENCE. The domicile of the student's custodial parent.
- (20) START-UP PUBLIC CHARTER SCHOOL. A public charter school that did not exist as a non-charter public school prior to becoming a public charter school.
- (21) STUDENT. Any child who is eligible for attendance in public schools in the state.
- (22) STATE SUPERINTENDENT. The State Superintendent of Education.

Author: Thomas R. Bice.

Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3..

History: Filed New Rule on 6-11-15.

290-3-6-.03

Guidelines for Public Charter Schools.

(1) The Department shall provide oversight of the performance and effectiveness of all authorizers approved under the provisions of the Act. This oversight is ongoing and is not limited to the specific actions and procedures described in these rules or the Act. The State Superintendent is authorized to provide guidelines for the establishment, operation, and oversight of public charter schools provided by the Act.

(2) The guidelines shall incorporate the procedures and forms for registering local school boards as authorizers of public charter schools within its boundaries.

(3) The guidelines shall include the timelines for charter approval or denial decisions applicable to all authorizers.

(4) The guidelines shall include actions, including withholding the distribution of state or federal funds to a public charter school, if the authorizer or the public charter school does not provide the reports needed to meet the requirements of the Act.

(5) The guidelines shall include procedures for the oversight of the performance and effectiveness of authorizers or public charter schools by the Department.

(6) The guidelines shall include requirements for assuring that the health, safety, and welfare of students attending public charter schools is of paramount importance in the operations of the authorizers, the public charter schools, and the education service providers.

(7) The guidelines shall include any procedures, forms, timelines, disclosures, requirements, or information that the State Superintendent determines to be necessary or beneficial to provide for the operations and provisions of educational services of public school students served by public charter schools and non-charter public schools in Alabama.

(8) The guidelines shall provide for the submission and maintenance of reports and forms in electronic format unless the State Superintendent determines otherwise.

(9) The guidelines may require attendance or completion of specific training courses or sessions for designated personnel of authorizers, public charter school personnel, or education service providers. The State Superintendent may approve or impose fees for the provision of required training.

(10) The rules, regulations, processes, and procedures included in the guidelines shall be implemented in addition to the requirements in the Act.

Author: Thomas R. Bice.

Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3..

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