

SB297 INTRODUCED



1 L9KIWA-1
2 By Senator Barfoot
3 RFD: Education Policy
4 First Read: 04-May-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, the Alabama School Choice and Student Opportunity Act provides for the creation of public charter schools in the state.

This bill would change the appointment process for the Alabama Public Charter School Commission, would authorize the commission to hire staff, and would require commissioners to receive annual training.

This bill would provide additional guidelines for the authorizing and application review process.

This bill would provide further for the operational and categorical funding of public charter schools in their first year of operation.

This bill would also clarify that conversion public charter schools receive the full per pupil federal, state, and local revenue intended to support the conversion public charter school and its educational responsibilities to students.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama School Choice and Student



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29 Opportunity Act; to amend Sections 16-6F-5, 16-6F-6, and
30 16-6F-10, Code of Alabama 1975, to change the appointment
31 process for the Alabama Public Charter School Commission; to
32 authorize the commission to hire staff; to require
33 commissioners to receive annual training; to provide
34 additional guidelines for the authorizing and application
35 review process; to provide further for the operational and
36 categorical funding of public charter schools in their first
37 year of operation; and to clarify the per pupil federal,
38 state, and local funding of conversion public charter schools
39 during their first year of operation.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. Sections 16-6F-5, 16-6F-6, and 16-6F-10 of
42 the Code of Alabama 1975, are amended to read as follows:

43 "§16-6F-5

44 (a) Open enrollment.

45 (1) A public charter school shall be open to any
46 student residing in the state.

47 (2) A school system shall not require any student
48 enrolled in the school system to attend a start-up public
49 charter school.

50 (3) A public charter school shall not limit admission
51 based on ethnicity, national origin, religion, gender, income
52 level, disability, proficiency in the English language, or
53 academic or athletic ability.

54 (4) A public charter school may limit admission to
55 students within a given age group or grade level and may be
56 organized around a special emphasis, theme, or concept as



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57 stated in the school's charter application, but fluency or
58 competence in the theme may not be used as a standard for
59 enrollment.

60 (5) A public charter school shall enroll all students
61 who wish to attend the school, unless the number of students
62 exceeds the capacity of the facility identified for the public
63 charter school.

64 (6) If facility capacity is insufficient to enroll all
65 students who wish to attend a start-up public charter school,
66 the school shall select students through a random selection
67 process. The school shall first enroll students who reside
68 within the school system in which the public charter school is
69 located. If the number of local students wanting to enroll
70 exceeds the facility's capacity, then the school shall conduct
71 a random selection process to enroll students who reside in
72 the local school system. If the school has additional capacity
73 after admitting students from the local school system, then
74 the school shall admit any students without regard to their
75 residency by a random selection process. The selection shall
76 take place in a public meeting, called by the governing body
77 of the public charter school, and following all posting and
78 notice requirements prescribed by the Alabama Open Meetings
79 Act.

80 (7) Any non-charter public school converting partially
81 or entirely to a public charter school shall adopt and
82 maintain a policy giving enrollment preference to students who
83 reside within the former attendance area of that public
84 school.



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85 After all students who reside within the former
86 attendance area of that public school are enrolled, enrollment
87 shall first be opened to students residing within the local
88 school system and then outside the local school system, as set
89 forth in subdivision (6).

90 (8) A public charter school shall give enrollment
91 preference to students enrolled in the public charter school
92 the previous school year and to siblings of students already
93 enrolled in the public charter school.

94 (9) A public charter school may give enrollment
95 preference to children of a public charter school's founders,
96 governing board members, and full-time employees, so long as
97 they constitute no more than 10 percent of the school's total
98 student population.

99 (10) A public charter school may give enrollment
100 preference to children living within a certain geographical
101 boundary, so long as the overall enrollment of the public
102 charter school includes a majority of at-risk students. The
103 proposed boundary shall be approved by the authorizer.

104 ~~(10)~~ (11) This subsection does not preclude the
105 formation of a public charter school whose mission is focused
106 on serving special education students, students of the same
107 gender, students who pose such severe disciplinary problems
108 that they warrant a specific educational program, or students
109 who are at risk of academic failure. Notwithstanding the
110 stated mission of the public charter school, any student may
111 attend.

112 ~~(11)~~ (12) This subsection does not preclude the



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113 formation of a public charter school, that is located on or
114 within one mile of a military installation, whose mission is
115 focused on serving students who are dependents of military
116 members or Department of Defense civilian employees that are
117 permanently assigned to that military installation. If the
118 number of dependent students wanting to enroll exceeds the
119 facility's capacity, then the school shall conduct a random
120 selection process to enroll those students. If the school has
121 additional capacity after admitting those dependent students
122 of parents assigned to the military installation, then the
123 school shall admit students first from the local school system
124 by a random selection process and then without regard to their
125 residency by a random selection process, as capacity permits.
126 The selection shall take place in a public meeting, called by
127 the governing body of the public charter school, and following
128 all posting and notice requirements prescribed by the Alabama
129 Open Meetings Act. Once the total number of students enrolled
130 in the school reaches 400, all additional admitted students
131 shall be dependents of military members or Department of
132 Defense civilian employees who are permanently assigned to
133 that military installation.

134 (b) Credit transferability. If a student who was
135 previously enrolled in a public charter school enrolls in
136 another public school in Alabama, the student's new school
137 shall accept credits earned by the student in courses or
138 instructional programs at the public charter school in a
139 uniform and consistent manner and according to the same
140 criteria that are used to accept academic credits from other



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141 public schools. Nothing in this chapter shall prevent local
142 school systems from administering placement tests for newly
143 enrolled students who were previously enrolled in a public
144 charter school.

145 (c) Determination of student capacity of public charter
146 schools. The capacity of the public charter school shall be
147 determined annually by the governing board of the public
148 charter school in conjunction with the authorizer and in
149 consideration of the public charter school's ability to
150 facilitate the academic success of its students, to achieve
151 the other objectives specified in the charter contract, and to
152 ensure that its student enrollment does not exceed the
153 capacity of its facility or site.

154 (d) Student information. A public charter school shall
155 maintain records on all enrolled students utilizing the state
156 adopted Alabama Student Information System (ASIM)."

157 "§16-6F-6

158 (a) Eligible authorizing entities.

159 (1) A public charter school shall not be established in
160 this state unless its establishment is authorized by this
161 section. No governmental entity or other entity, other than an
162 entity expressly granted chartering authority as set forth in
163 this section, may assume any authorizing function or duty in
164 any form. The following entities shall be authorizers of
165 public charter schools:

166 a. A local school board, for chartering of schools
167 within the boundaries of the school system under its
168 jurisdiction, pursuant to state law.



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169 b. The Alabama Public Charter School Commission,
170 pursuant to this section.

171 (2) A local school board that registers as an
172 authorizer may approve or deny an application to form a public
173 charter school within the boundaries of the local school
174 system overseen by the local school board.

175 (3) All authorizing entities shall prioritize those
176 applications that are focused on serving at-risk students.

177 (4) A decision made by a local school board shall be
178 subject to appeal to the commission. The commission may hear
179 an application for the formation of a public charter school by
180 an applicant only if one of the following factors is met:

181 a. An application to form a public charter school is
182 denied by the local school board overseeing that system and
183 the applicant chooses to appeal the decision of the local
184 school board to the commission.

185 b. The applicant wishes to open a start-up public
186 charter school in a public school system that has chosen not
187 to register as an authorizer.

188 (b) Public charter school cap.

189 (1) Authorizers may not approve more than 10 start-up
190 public charter schools in a fiscal year.

191 (2) Upon receiving notice of approval of the tenth
192 start-up public charter school to be approved in a fiscal
193 year, the department shall provide notice to all authorizers
194 that the cap has been reached and no new start-up public
195 charter schools may be approved in that fiscal year.

196 (3) The cap expires on April 1 immediately following



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197 the conclusion of the fiscal year beginning October 1, 2020.

198 (4) At the conclusion of the fiscal year beginning
199 October 1, 2020, the department shall submit a report to the
200 Legislature outlining the performance of both start-up and
201 conversion public charter schools. This report shall include,
202 at a minimum, academic performance of all public charter
203 schools in the state, a detailed update on the authorizing
204 process, and recommendations for adjustments to public charter
205 school governance and oversight.

206 (5) There is no limit on the number of conversion
207 public charter schools that may be approved.

208 (c) The Alabama Public Charter School Commission.

209 (1) The commission is established as an independent
210 state entity.

211 (2) The mission of the commission is to authorize high
212 quality public charter schools, in accordance with the powers
213 expressly conferred on the commission in this chapter.

214 (3) a. The initial membership of the commission shall ~~be~~
215 ~~composed of a total of 11 members.~~ consist of the following:
216 The State Board of Education shall appoint 10 members, made up
217 of four appointees recommended by the Governor, one appointee
218 recommended by the Lieutenant Governor, two appointees
219 recommended by the President Pro Tempore of the Senate, and
220 three appointees recommended by the Speaker of the House of
221 Representatives. The Governor, the Lieutenant Governor, the
222 President Pro Tempore of the Senate, and the Speaker of the
223 House of Representatives shall each recommend a list of no
224 fewer than two nominees for each initial appointment to the



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225 commission. One recommended initial appointee of the President
226 Pro Tempore of the Senate and one recommended initial
227 appointee of the Speaker of the House of Representatives shall
228 be an appointee recommended by members of the Senate minority
229 party and members of the House minority party, respectively.
230 No commission member can be appointed unless he or she has
231 been recommended by the Governor, Lieutenant Governor,
232 President Pro Tempore of the Senate, or the Speaker of the
233 House of Representatives.

234 b. Commencing on the effective date of the act adding
235 this paragraph, as the terms of the then serving members
236 expire, the nominating authority for that respective serving
237 member shall become the appointing authority for his or her
238 successor on the commission so that the Governor shall appoint
239 four members to the commission, the Lieutenant Governor shall
240 appoint two members to the commission, the President Pro
241 Tempore of the Senate shall appoint two members to the
242 commission, and the Speaker of the House of Representatives
243 shall appoint three members to the commission. At least one
244 member appointed by the President Pro Tempore of the Senate
245 shall be an appointee recommended by the Minority Leader of
246 the Senate and at least one member appointed by the Speaker of
247 the House of Representatives shall be an appointee recommended
248 by the Minority Leader of the House of Representative.

249 ~~(4) The eleventh member of the commission shall be a~~
250 ~~rotating position based on the local school system where the~~
251 ~~application was denied. This member appointed to the rotating~~
252 ~~position shall be appointed by the local school system where~~



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253 ~~the applicant is seeking to open a public charter school. The~~
254 ~~local school system shall appoint a member to the rotating~~
255 ~~position through board action specifically to consider that~~
256 ~~application.~~

257 ~~(5)~~ (4) The appointing authorities of the commission
258 members shall strive to select individuals that collectively
259 possess strong experience and expertise in public and
260 nonprofit governance, strategic planning, management and
261 finance, public school leadership, assessment, curriculum and
262 instruction, and public education law. Each member of the
263 commission shall have demonstrated understanding of and
264 commitment to charter schooling as a tool for strengthening
265 public education and shall sign an agreement to hear the
266 appeal and review documents in a fair and impartial manner.

267 ~~(6)~~ (5) Membership of the commission shall be inclusive
268 and reflect the racial, gender, geographic, urban/rural, and
269 economic diversity of the state. ~~The appointing authority~~
270 ~~shall consider the eight State Board of Education districts in~~
271 ~~determining the geographical diversity of the commission.~~

272 ~~(7)~~ (6) The initial appointments to the commission shall
273 be made no later than June 1, 2015. Two recommended initial
274 appointees of the Governor, one recommended initial appointee
275 of the Lieutenant Governor, one recommended initial appointee
276 of the Speaker of the House of Representatives, and one
277 recommended initial appointee of the President Pro Tempore of
278 the Senate shall serve an initial term of one year and two
279 recommended initial appointees of the Governor, two
280 recommended initial appointees of the Speaker of the House of



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281 Representatives, and one recommended initial appointee of the
282 President Pro Tempore of the Senate shall serve an initial
283 term of two years. Thereafter, all appointees shall serve
284 ~~two-year~~ four-year terms of office. All appointments shall be
285 eligible for reappointment as determined by the appointing
286 authority, not to exceed a total of ~~six~~ eight years of
287 service, unless the member was initially appointed to serve a
288 one-year term of office. If the initial term of office of an
289 appointee was one year, he or she may serve a total of ~~five~~
290 nine years of service on the commission.

291 ~~(8)~~ (7) A member of the commission may be removed for
292 failure to perform the duties of the appointment. Whenever a
293 vacancy on the commission exists, the appointing authority,
294 within 60 days after the vacancy occurs, shall appoint a
295 member for the remaining portion of the term in the same
296 manner as the original appointment was made. A member of the
297 commission shall abstain from any vote that involves a local
298 school system of which he or she is an employee or which he or
299 she oversees as a member of a local school board. The
300 requirement to abstain does not apply to the rotating position
301 on the commission.

302 ~~(9)~~ (8) Six members of the commission constitute a
303 quorum, and a quorum shall be necessary to transact business.
304 Actions of the commission shall be by a majority vote of the
305 commission. The commission, in all respects, shall comply with
306 the Alabama Open Meetings Act and state record laws.
307 Notwithstanding the preceding sentence, members of the
308 commission may participate in a meeting of the commission by



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309 means of telephone conference, video conference, or similar
310 communications equipment by means of which all persons
311 participating in the meeting may hear each other at the same
312 time. Participation by such means shall constitute presence in
313 person at a meeting for all purposes, including the
314 establishment of a quorum. Telephone or video conference or
315 similar communications equipment shall also allow members of
316 the public the opportunity to simultaneously listen to or
317 observe meetings of the commission.

318 ~~(10)~~ (9) If the commission overrules the decision of a
319 local school board and chooses to authorize the establishment
320 of a public charter school in that local school system, the
321 commission shall serve as the authorizer for that public
322 charter school, pursuant to this chapter.

323 (10) Each member of the commission, upon assuming
324 office, shall complete an orientation program, and an annual
325 training program thereafter, as developed by the commission.
326 The orientation program shall focus on roles and
327 responsibilities of charter school authorizers, laws impacting
328 commissioners as public officials, general education laws, and
329 best practices. In developing and implementing the programs,
330 the commission may consult national or state organizations
331 with training expertise. Before the start of each regular
332 legislative session, the commission shall provide a report to
333 each appointing authority regarding the implementation and
334 effectiveness of the programs. Failure to attend and complete
335 a required orientation or annual training program may
336 constitute grounds for removal from the commission by the



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337 appointing authority.

338 (11) The commission may do any of the following:

339 ~~a. Utilize professional and administrative staff of the~~
340 ~~department as recommended by the State Superintendent of~~
341 ~~Education.~~

342 a. Upon evaluation and agreement, share services,
343 facilities, supplies, and related costs with the department.

344 b. Adopt rules for the operation and organization of
345 the commission.

346 c. Review, at least once per year, department rules and
347 regulations concerning public charter schools and, if needed,
348 recommend to the State Superintendent of Education any rule or
349 regulation changes deemed necessary.

350 d. Convene stakeholder groups and engage experts.

351 e. Seek and receive state, federal, and private funds
352 for operational expenses.

353 f. Employ professional, administrative, technical, and
354 clerical staff, without regard to the state Merit System, who
355 shall serve at the pleasure of the commission. Staff employed
356 pursuant to this paragraph shall receive compensation and
357 benefits established by the commission, payable in the same
358 manner as state employees.

359 ~~f.~~ (12) A commission member may not receive
360 compensation, but shall be reimbursed by the department for
361 travel and per diem expenses at the same rates and in the same
362 manner as state employees.

363 ~~g.~~ (13) The commission shall submit an annual report to
364 the department pursuant to subsection (g).



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365 ~~(12)~~ (14) In order to overrule the decision of a local
366 school board and authorize a public charter school, the
367 commission, in its own consideration of the application, shall
368 do all of the following:

369 a. Find evidence of a thorough and high-quality public
370 charter school application from the applicant based on the
371 authorizing standards in subdivision (8) of subsection (a) of
372 Section 16-6F-7.

373 b. Hold an open community hearing opportunity for
374 public comment within the local school system where the
375 application was denied.

376 c. Find that the local board's denial of an original
377 charter application ~~was~~ is not supported by the then current
378 application and exhibits.

379 d. Take into consideration all of the following:

380 1. ~~other~~ Other existing charter school applications~~,~~.

381 2. ~~the~~ The quality of school options existing in the
382 affected community~~,~~.

383 3. ~~the~~ The existence of other charter schools~~,~~ and.

384 4. ~~any~~ Any other factors considered relevant to ensure
385 the establishment of high-quality charter schools in
386 accordance with the intent of this chapter.

387 ~~e. Find evidence that the local school board erred in~~
388 ~~its application of nationally recognized authorizing~~
389 ~~standards.~~

390 e. At least 15 days prior to consideration of the
391 application, send a letter to the chair of the local school
392 board where the denial originated informing the local school



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393 board that the commission will hear the appeal pursuant to a
394 public hearing and will provide the chair, or his or her
395 designee, the opportunity to address the commission at that
396 public hearing.

397 (d) (1) A local school board may ~~register with~~ apply to
398 the department for chartering authority within the boundaries
399 of the school system overseen by the local school board. The
400 department shall publicize to all local school boards the
401 opportunity to ~~register with~~ apply to the state for chartering
402 authority within the school system they oversee. By June 1 of
403 each year, the department shall provide information about the
404 opportunity, including ~~a registration~~ an application deadline,
405 to all local school boards. To ~~register~~ apply as a charter
406 authorizer in its school system, each interested local school
407 board shall submit the following information in a format to be
408 established by the department:

409 ~~(1)~~ a. Written notification of intent to serve as a
410 charter authorizer in accordance with this chapter.

411 ~~(2)~~ b. An explanation of the local school board's
412 capacity and commitment to execute the duties of quality
413 charter authorizing, as defined by nationally recognized
414 authorizing standards.

415 ~~(3)~~ c. An explanation of the local school board's
416 strategic vision for chartering.

417 ~~(4)~~ d. An explanation of how the local school board
418 plans to solicit public charter school applicants, in
419 accordance with this chapter.

420 ~~(5)~~ e. A description or outline of the performance



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421 framework the local school board will use to guide the
422 establishment of a charter contract and for ongoing oversight
423 and evaluation of public charter schools, consistent with the
424 requirements of this chapter.

425 ~~(6)~~ f. A draft of the local school board's renewal,
426 revocation, and nonrenewal processes, consistent with
427 subsection (c) of Section 16-6F-8.

428 ~~(7)~~ g. A statement of assurance that the local school
429 board commits to serving as a charter authorizer and shall
430 fully participate in ~~any~~ an annual authorizer training
431 ~~provided or required by the state~~ approved by the department.

432 (2) Once chartering authority is granted, the
433 registered local school board shall reapply to be an
434 authorizer every five years if the local school board wishes
435 to continue serving as an authorizer.

436 (e) If a local school board chooses not to register as
437 an authorizer, all applications seeking to open a start-up
438 public charter school within that local school board's
439 boundaries shall be denied. Applicants wishing to open a
440 public charter school physically located in that local school
441 system may apply directly to the commission.

442 (f) An authorizer may do all of the following:

443 (1) Solicit, invite, receive, and evaluate applications
444 from organizers of proposed public charter schools.

445 (2) Approve applications that meet identified
446 educational needs.

447 (3) Deny applications that do not meet identified
448 educational needs.



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449 (4) Create a framework to guide the development of
450 charter contracts.

451 (5) Negotiate and execute charter contracts with each
452 approved public charter school.

453 (6) Monitor the academic, fiscal, and organizational
454 performance and compliance of public charter schools.

455 (7) Determine whether each charter contract merits
456 renewal or revocation.

457 (g) An authorizer shall submit to the State Board of
458 Education a publicly accessible annual report within 60 days
459 after the end of each school fiscal year summarizing all of
460 the following:

461 (1) The authorizer's strategic vision for chartering
462 and progress toward achieving that vision.

463 (2) The academic and financial performance of all
464 operating public charter schools overseen by the authorizer,
465 according to the performance measures and expectations
466 specified in the charter contracts.

467 (3) The status of the public charter school portfolio
468 of the authorizer, identifying all public charter schools
469 within that portfolio as one of the following:

470 a. Approved, but not yet open.

471 b. Open and operating.

472 c. Terminated.

473 d. Closed, including year closed and reason for
474 closing.

475 e. Never opened.

476 (4) The oversight and services, if any, provided by the



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477 authorizer to the public charter schools under the purview of
478 the authorizer.

479 (5) The authorizing functions provided by the
480 authorizer to the public charter schools under its
481 jurisdiction, including the operating costs and expenses of
482 the authorizer detailed in annual audited financial statements
483 that conform to generally accepted accounting principles.

484 (6) All use of taxpayer dollars including expenditures,
485 contracts, and revenues.

486 (h) To cover costs for overseeing and authorizing
487 public charter schools in accordance with this chapter, ~~a~~
488 ~~local school board serving as~~ an authorizer may do all of the
489 following:

490 (1) Expend its own resources, seek grant funds, and
491 establish partnerships to support its public charter school
492 authorizing activities.

493 (2) Charge a portion of annual per student state
494 allocations received by each public charter school it
495 authorizes based on the following schedule:

496 a. If the ~~local school board~~ authorizer has oversight
497 over one to three, inclusive, public charter schools: Three
498 percent of annual per student state allocations.

499 b. If the ~~local school board~~ authorizer has oversight
500 over four to five, inclusive, public charter schools: Two
501 percent of annual per student state allocations.

502 c. If the ~~local school board~~ authorizer has oversight
503 over six to 10, inclusive, public charter schools: One percent
504 of annual per student state allocations.



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505 d. These funds shall be used to cover the costs for ~~a~~
506 ~~local school board~~ an authorizer to provide authorizing
507 services to its public charter schools.

508 (i) An employee, agent, or representative of an
509 authorizer may not simultaneously serve as an employee, agent,
510 representative, vendor, or contractor of a public charter
511 school of that authorizer.

512 (j) With the exception of charges for oversight
513 services as required in subsection (h), a public charter
514 school may not be required to purchase services from its
515 authorizer as a condition of charter approval or of a charter
516 contract, nor may any such condition be implied.

517 (k) A public charter school authorized by a local
518 school system may choose to purchase services, such as
519 transportation-related or lunchroom-related services, from its
520 authorizer. In such event, the public charter school and
521 authorizer shall execute an annual service contract, separate
522 from the charter contract, stating the mutual agreement of the
523 parties concerning any service fees to be charged to the
524 public charter school. A public charter school authorized by
525 the commission may not purchase services from the commission,
526 but consistent with this section, may purchase services from
527 the local school system where the public charter school is
528 located.

529 (l) The department shall oversee the performance and
530 effectiveness of all authorizers established under this
531 chapter. Persistently unsatisfactory performance of the
532 portfolio of the public charter schools of an authorizer, a



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533 pattern of well-founded complaints about the authorizer or its
534 public charter schools, or other objective circumstances may
535 trigger a special review by the department. In reviewing and
536 evaluating the performance of an authorizer, the department
537 shall apply nationally recognized standards for quality in
538 charter authorizing. If, at any time, the department finds
539 that an authorizer is not in compliance with an existing
540 charter contract or the requirements of all authorizers under
541 this chapter, the department shall notify the authorizer in
542 writing of any identified problem, and the authorizer shall
543 have reasonable opportunity to respond and remedy the problem.

544 (m) If a local school board acting as an authorizer
545 persists in violating a material provision of a charter
546 contract or fails to remedy any other authorizing problem
547 after due notice from the department, the department shall
548 notify the local school board, within 60 days, that it intends
549 to revoke the chartering authority of the local school board
550 unless the local school board demonstrates a timely and
551 satisfactory remedy for the violation or deficiencies.

552 (n) If the commission violates a material provision of
553 a charter contract or fails to remedy any other authorizing
554 problems after due notice from the department, the department
555 shall notify the commission, within 60 days, that it intends
556 to notify the Governor, the Speaker of the House of
557 Representatives, and the President Pro Tempore of the Senate
558 of the actions of the commission unless the commission
559 demonstrates a timely and satisfactory remedy for the
560 violation of the deficiencies. Along with this notification,



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561 the department shall publicly request in writing that the
562 Governor, the Speaker of the House of Representatives, and the
563 President Pro Tempore appointees comply with the requests of
564 the department or face a revocation of their appointment to
565 the commission.

566 (o) In the event of revocation of the chartering
567 authority of an authorizer, the department shall manage the
568 timely and orderly transfer of each start-up public charter
569 contract held by that authorizer to another authorizer in the
570 state, with the mutual agreement of each affected start-up
571 public charter school and proposed new authorizer. The new
572 authorizer shall assume the existing charter contract for the
573 remainder of the charter term.

574 (p) Authorizer power, duties, and liabilities.
575 Authorizers are responsible for executing, in accordance with
576 this chapter, the following essential powers and duties:

577 (1) Soliciting and evaluating charter applications
578 based on nationally recognized standards.

579 (2) Approving quality charter applications that meet
580 identified educational needs and promote a diversity of
581 high-quality educational choices.

582 (3) Declining to approve weak or inadequate charter
583 applications.

584 (4) Negotiating and executing charter contracts with
585 each approved public charter school.

586 (5) Monitoring, in accordance with charter contract
587 terms, the performance and legal compliance of public charter
588 schools.



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589 (6) Determining whether each charter contract merits
590 renewal, nonrenewal, or revocation.

591 (q) An authorizer that grants a charter to a 501(c)(3)
592 tax-exempt organization for the purpose of opening and
593 operating a public charter school is not liable for the debts
594 or obligations of the public charter school, or for claims
595 arising from the performance of acts, errors, or omissions by
596 the charter school, if the authorizer has complied with all
597 oversight responsibilities required by law, including, but not
598 limited to, those required by this chapter.

599 (r) Principles and standards for charter authorizing.

600 (1) All authorizers shall be required to develop and
601 maintain chartering policies and practices consistent with
602 nationally recognized principles and standards for quality
603 charter authorizing in all major areas of authorizing
604 responsibility including: Organizational capacity and
605 infrastructure; soliciting and evaluating charter
606 applications; performance contracting; ongoing public charter
607 school oversight and evaluation; and charter renewal
608 decision-making. The State Board of Education shall promulgate
609 reasonable rules and regulations to effectuate this section by
610 June 17, 2015.

611 (2) Authorizers shall carry out all of their duties
612 under this chapter in a manner consistent with such nationally
613 recognized principles and standards and with the spirit and
614 intent of this chapter. Evidence of material or persistent
615 failure to do so shall constitute grounds for losing charter
616 authorizing powers."



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617 "§16-6F-10

618 (a) Enrollment. ~~Students enrolled in and attending~~
619 ~~public charter schools shall be included in all enrollment and~~
620 ~~attendance counts of students of the local school system in~~
621 ~~which the students reside. The public charter school shall~~
622 ~~report all such data to the local school systems of residence~~
623 ~~in a timely manner.~~ Each local school system public charter
624 school shall report ~~such~~ enrollment, attendance, and other
625 counts of students to the department in the manner required by
626 the department.

627 (b) Operational funding.

628 (1) The following provisions govern operational
629 funding:

630 a. 1. ~~In their initial year, and in subsequent years to~~
631 ~~accommodate growth as articulated in their application,~~
632 ~~funding for public charter schools shall be provided from the~~
633 ~~Education Trust Fund in the Foundation Program appropriation~~
634 ~~for current units. Subsequent year funding for public charter~~
635 ~~schools shall be based on the Foundation Program allocation~~
636 ~~and other public school Education Trust Fund appropriations.~~
637 In their initial year, and in subsequent years to accommodate
638 growth as articulated in their application, start-up public
639 charter schools shall be provided Foundation Program funding
640 by inclusion of anticipated enrollment as provided in the
641 approved charter application. During the fiscal year, the
642 resulting Foundation Program allocation shall be adjusted to
643 reconcile the variance between anticipated and actual funded
644 enrollment.



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645 2. A conversion public charter school shall be funded
646 at the same level as the school was funded prior to its
647 conversion to a conversion public charter school. All federal,
648 state, and local dollars allocated to support the conversion
649 public charter school shall be directly appropriated by the
650 local school board to the conversion public charter school
651 operator. Under no circumstances may the local school board
652 withhold funds for services without mutual agreement from the
653 conversion public charter school operator.

654 3. In addition to Foundation Program allocation, all
655 start-up public charter schools shall participate in other
656 Education Trust Fund and Public School Fund appropriations in
657 the same manner as any other non-charter public school system.
658 In addition to Foundation Program allocation, all conversion
659 public charter schools shall receive from the local school
660 board a pro rata share of other Education Trust Fund
661 appropriations.

662 b. For each of its students, a public charter school
663 shall receive the same amount of state funds, including funds
664 earmarked for the Foundation Program transportation, school
665 nurses, technology coordinators, and other line items that may
666 be included in the appropriation for the Foundation Program
667 Fund, that, for the then-current fiscal year, would have
668 otherwise been allocated on behalf of each public charter
669 school student to the local school system where the student
670 resides. This amount shall reflect the status of each student
671 according to grade level, economic disadvantage, limited
672 English proficiency, and special education needs.



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673 c. For each of its students, a public charter school
674 shall receive the same amount of local tax revenue, that, for
675 the then-current fiscal year, would have otherwise been
676 allocated on behalf of each public charter school student to
677 the local non-charter public school of each student's
678 residence, excluding those funds already earmarked through a
679 vote of the local school board for debt service, capital
680 expenditures, or transportation. As necessary, the department
681 shall promulgate processes and procedures to determine the
682 specific local revenue allocations according to the Foundation
683 Program for each public charter school.

684 d. The state funds described in paragraph ~~b.~~a. shall be
685 forwarded ~~on a quarterly basis to the~~ by the department to all
686 start-up public charter ~~school~~ schools on the same schedule as
687 funds are forwarded to local school systems by the department.
688 The state funds described in paragraph a. shall be forwarded
689 to conversion public charter schools by the local school
690 system on the same schedule as funds are forwarded to local
691 school systems by the department. The local funds described in
692 paragraph c. shall be forwarded on a quarterly basis to the
693 public charter school by the local educational agency of the
694 student's residence, notwithstanding the oversight fee
695 reductions pursuant to Section 16-6F-6. Additionally, any
696 local revenues restricted, earmarked, or committed by
697 statutory provision, constitutional provision, or board
698 covenant pledged or imposed by formal action of the local
699 board of education or other authorizing body of government,
700 shall be excluded by the local educational agency of the



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701 student's residence when determining the amount of funds to be
702 forwarded by the agency to the public charter school.

703 e. The maximum annual local tax allocation forwarded to
704 a start-up public charter school from a local school system
705 shall, for each student, not exceed the per student portion of
706 the state required 10 mill ad valorem match.

707 f. The ~~maximum~~ annual local tax allocation forwarded to
708 a conversion public charter school from a local school system
709 shall, for each student, equal the amount that would have been
710 received by the local education agency of the student's
711 residence for each student who now attends a conversion public
712 charter school, ~~minus any amounts otherwise excluded pursuant~~
713 ~~to this section.~~ In the event a local school system fails to
714 honor an agreement with a conversion public charter school
715 operator or if the local school system fails to forward the
716 annual local tax allocation to a conversion public charter
717 school as required by this subsection, the State
718 Superintendent of Education shall intervene pursuant to
719 Section 16-4-4, and allocate the local funds to the conversion
720 public charter school accordingly.

721 g. ~~If necessary~~ Annually, the department shall ~~adopt~~
722 ~~rules governing how to~~ calculate ~~and distribute~~ these
723 per-student allocations, ~~as well as any~~ and ensure that these
724 per-student allocations are distributed directly to start-up
725 public charter schools and conversion public charter schools
726 on a per-student basis. The department shall adopt rules
727 governing cost-sharing for students participating in
728 specialized gifted, talented, vocational, technical, or career



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729 education programs.

730 (2) Categorical funding. The department shall direct
731 the proportionate share of ~~moneys~~ monies generated under
732 federal and state categorical aid programs to all public
733 charter schools, including start-up public charter schools and
734 conversion public charter schools, serving students eligible
735 for such aid. The state shall ensure that all public charter
736 schools with rapidly expanding enrollments are treated
737 equitably in the calculation and disbursement of all federal
738 and state categorical aid program dollars. Each public charter
739 school that serves students who may be eligible to receive
740 services provided through such programs shall comply with all
741 reporting requirements to receive the aid.

742 (3) Special education funding.

743 a. The state or a local school board shall pay directly
744 to a public charter school, including start-up public charter
745 schools and conversion public charter schools, any federal or
746 state aid attributable to a student with a disability
747 attending the school.

748 b. At either party's request, a public charter school
749 and its authorizer may negotiate and include in the charter
750 contract alternate arrangements for the provision of and
751 payment for special education services.

752 (4) Generally accepted accounting principles;
753 independent audit.

754 a. A public charter school shall adhere to generally
755 accepted accounting principles.

756 b. A public charter school shall annually engage an



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757 independent certified public accountant to do an independent
758 audit of the school's finances. A public charter school shall
759 file a copy of each audit report and accompanying management
760 letter to its authorizer by June 1. This audit shall include
761 the same requirements as those required of local school system
762 pursuant to Section 16-13A-7.

763 (5) Transportation funding.

764 a. The department shall disburse state transportation
765 funding to a public charter school on the same basis and in
766 the same manner as it is paid to public school systems.

767 b. A public charter school may enter into a contract
768 with a school system or private provider to provide
769 transportation to the school's students.

770 c. Public charter schools that do not provide
771 transportation services shall not be allocated any federal,
772 state, or local funds otherwise earmarked for
773 transportation-related expenses."

774 Section 2. This act shall become effective immediately
775 following its passage and approval by the Governor, or its
776 otherwise becoming law.