

**Charter Schools Question and Answer Document
Follow-up to April 4, 2017 KDE Webcast**

Local Boards

Q: How does our board get out of any dealings or oversight of a Charter School? According to the PowerPoint we would be stuck with joint oversight along with KDE.

A: HB 520 is very clear that school districts, as potential authorizers, are required to “...solicit, invite and evaluate applications from...” charter school applicants (Section 5). As a result, all school districts in the state should remain positive about how and if a charter school could serve a need in the district that is not being served today by traditional public schools. Joint oversight of charter schools with the Kentucky Board of Education (KBE) only occurs if a school district does not adhere to the KBE’s determination in the first appeal of a charter school applicant that is then appealed a second time to the KBE. (Section 6)

Q: What training will be provided to local boards of education on the evaluation of charter school applications?

A: Commissioner Pruitt is working with KSBA, KASA, KASS and other “K” groups to encourage the development of necessary training to ensure that charter schools enhance Kentucky’s longstanding reputation as a leader in education reform and improvement. KSBA has informed KDE that they are already working on training and policy development related to charter schools. KDE will continue to offer guidance and technical assistance through the KDE Charter Division, as well as through other KDE staff in the areas of federal programs, innovation, finance, transportation, legal and facilities.

HB 520 provides the following related to the charter application review, evaluation and approval by authorizers:

Charter applications shall be approved by an authorizer if a) the requirements established in HB 520 for charter schools are met, b) “the applicant demonstrates the ability to operate the school in an educationally sound and fiscally sound manner,” AND approving of the “...application is likely to improve student learning and achievement and further the purposes established...” in HB 520. (Section 5)

Authorizers may give preference to “...applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to...” at risk students and special needs students. (Section 5)

On appeal to the KBE, the standard of review will be whether or not the authorizer’s decision regarding the charter school was “contrary to the best interests of the students or community.”

Local Districts

Q: Will each charter school get its own District ID or will it be a part of the local school district

in which the charter resides?

A: Charter schools in Kentucky will offer “a comprehensive instructional program within a public school district.” (Section 1). While charter schools will be autonomous from the local school district regarding personnel, finance, scheduling, curriculum and other matters, a charter school will remain a public school located within the hosting district and will become an option for students in that school district. Specific coding requirements within the state student information system will be determined through the KBE regulatory process (including coding requirements for students enrolled in a regional collaborative charter or a charter serving a regional achievement zone). It is important to note that charter schools will have a “school code” to show assessment and accountability results on a school report card just like traditional public schools.

Q: I guess my big question is, will the local school district have to manage the charter’s IC data? I read where the local school board will be responsible for reporting the attendance on the SAAR and if that is true, then it seems to me that they would just be a part of the district like any other school. Is this correct or will there be another way to enter the data in with the local district?

A: Charter schools will be required to “utilize the same system for reporting student information data and financial data as is utilized by other school districts across the state.” (Section 3). This means that charter schools will have access to and will use Infinite Campus and MUNIS. Student data reporting for students enrolled in charter schools will be the responsibility of the charter school.

HB 471 requires inclusion of a charter school’s attendance in the local school district’s SAAR to calculate local district funding. HB 471 Section 2.(20)(b) states: “Attendance for a student enrolled in a public charter school who resides within the boundaries of the local school district where the public charter school is located shall be included and reported in the local school district’s Superintendent’s Annual Attendance Report and any other reports used for enrollment and attendance purposes required to be submitted to the Kentucky Department of Education. This data shall be used to calculate funding for the local school district pursuant to KRS 157.360 and 157.440(1)(a).”

Q: A local board may authorize a charter school that is located and operated within the boundaries of its district. If that charter school enrolls students who do not reside in that district, do the nonresident students count toward the nonresident contract between the district where the student is educated and the district where the student resides? To paraphrase – similar exemption as Children of District Employees who are exempt from nonresident agreements. Are nonresident charter school students exempt from nonresident agreements? (in order to enroll students from surrounding districts to boost charter enrollment)

A: HB 471 details funding provisions for charter schools for the remainder of the biennium (through 2017-18 school year). Funding for charter school students is only based upon “attendance for a student enrolled in a public charter school who resides within the boundaries of the local school district where the public charter school is located...” This

means, for at least the next year, charter schools will not receive state funds for students attending unless they are residents of the district where the charter is located. These provisions could be changed in the budget bill that will be considered by the 2018 General Assembly. It is conceivable that non-resident agreement provisions could apply to charter school students, but that mechanism is not implicated by the language in HB 471. Whether charter schools are permitted to admit students that aren't residents and that do not have state funds following them is a question that a charter board would have to answer depending upon other non-state funding sources that may be available to the charter school.

Q: A Regional Achievement Zone charter school applies to serve Graves Co., Mayfield Independent, Calloway Co., and Murray Independent.

- Would that meet the Regional Achievement Zone geographic requirements?
- Does the application have to be authorized by the boards of all four districts, or just the one district board in which the charter school will be located and operated? (in order to enroll students from surrounding districts to boost charter enrollment)

A: "Regional achievement zone" means one (1) county containing four (4) or more local school districts or two (2) or more contiguous counties, each containing four (4) or more local school districts; (Section 1)

As a result, the only districts in the state that meet the "Regional Achievement Zone" definition are Kenton County and Campbell County and all of the independent districts within Kenton and Campbell Counties (4 and 6 respectively).

While regional achievement zone does not apply to Graves/Mayfield/Calloway and Murray, those districts, or any combination of those districts or any Kentucky districts could form a "collaborative...to set up a regional public charter school to be located in the area managed and controlled by those local school boards." (Section 1)

A collaborative requires the agreement of all participating boards. HB 520 in Section 1 (13)(b) states: "A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards." Funding for a charter authorized by a collaborative is determined per the collaborative agreement. (HB 471, Section 2.(20)(f)).

Q: Related to an independent district currently comprised of one traditional elementary school, one traditional middle school, and one traditional high school:

- Can all three schools apply to become conversion charter schools and then be authorized by their own independent district school board? In essence, can there be an independent district that is comprised only of charter schools and no traditional schools? (in order to cut costs district-wide through exemptions, and to enroll students from surrounding districts to boost charter enrollment)
- If the independent district becomes an independent public charter school district (comprised of only charter schools K-14), can they be exempt from providing Head Start and preschool? (in order to cut costs of operation)

A: This is an interesting hypothetical question that may turn on the requirements in the Kentucky Constitution for the establishment of a system of common schools (Section 183 of the Kentucky Constitution). Under the Kentucky Supreme Court's Rose decision in 1989, it is clear that the General Assembly must provide an efficient system of common schools. The Rose decision indicates that the system must be provided statewide with no area or child being omitted.

The Rose decision also discusses a child's right to an adequate education by describing the capacities that the education system must provide:

A child's right to an adequate education is a fundamental one under our Constitution. The General Assembly must protect and advance that right. We concur with the trial court that an efficient system of education must have as its goal to provide each and every child with at least the seven following capacities: (i) sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (ii) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices; (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (iv) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life's work intelligently; and (vii) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.

In recreating and redesigning the Kentucky system of common schools, these seven characteristics should be considered as minimum goals in providing an adequate education. Certainly, there is no prohibition against higher goals--whether such are implemented statewide by the General Assembly or through the efforts of any local education entities that the General Assembly may establish--so long as the General Assembly meets the standards set out in this Opinion. Rose v. Council for Better Educ., 790 S.W.2d 186,220 n22 (Ky. 1989).

If a school district authorized charter schools in a way that limited the ability of students in the district to obtain these capacities rather than expanding the ability through higher goals and access to more options, thus prohibiting students from the ability to access to public schools

that provided the elements of public education described in Rose, then there would most likely be efforts to seek guidance from the courts or changes from the General Assembly to address whether the system authorized by the local district was consistent with the requirements of the Kentucky Constitution.

Q: Related to withdrawal of a student during the course of a school year:

- May a charter school withdraw a student during the course of a school year in a situation where the student or the student’s parent/guardian/caretaker have not requested this and do not want the student be withdrawn, with an expulsion hearing not being held? Example – may a charter contain language that states a student may be withdrawn at any time due to lack of academic effort, lack of regular attendance (chronic absenteeism or truancy), or for behavior reasons? (in order to withdraw students who lack motivation and exhibit compliance issues)
- Can a local board of education refuse to approve a charter school application that does not include language that states a student cannot be withdrawn during the course of a school year against the will of the student or the will of the parent/guardian/caretaker without having an expulsion hearing? (in order to require charter schools to commit to educating students enrolled, even those who at some point lack motivation and exhibit compliance issues – students who become at-risk)

A: A charter school in Kentucky is a public school and may not withdraw a student due to lack of academic effort or poor attendance. Expulsion or suspension of students in a charter school will be handled the same way as students in traditional public schools with the right of due process afforded the student if suspended or expelled pursuant to KRS 158.150. HB 520 has several provisions applying to this question:

“A public charter school shall...ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100.” (Section 3)

“A public charter school...shall not have entrance requirements...” (Section 3)

“A public charter school shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability, or any other ground that would be unlawful if done by a public school.” (Section 3)

Additionally, HB 520 Section 4.(3)(k) requires a charter application to include “A draft of the policies and procedures by which students may be disciplined, including students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities.”

Q: Related to policies, procedures, and code of acceptable behavior and discipline:

- Can a charter school be exempt from the policies, procedures, and code of acceptable behavior and discipline of the school district in which the charter school is located and operated?

- In lieu of developing policies, procedures, and a code of acceptable behavior and discipline, may a charter school address all topics and areas that might be included in policies, procedures, and code of acceptable behavior and discipline in their ‘charter’ document?

A: Charter schools will set their own policies, procedures and code of acceptable behavior and discipline.

HB 520, Section 4.(3)(k) requires a charter application to include “A draft of the policies and procedures by which students may be disciplined, including students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities.”

Q: How will the lunch and breakfast programs be handled with the charter schools?

A: Charter schools MAY elect to participate in the USDA National School Lunch and Breakfast programs. Charter schools may also choose to provide alternate food services outside of the USDA programs. However, charter schools and authorizers will need to consider whether opting out of USDA school food programs indirectly discriminates against students in poverty and thus sets up an income entrance requirement. A charter application would need to provide a plan of how other funding sources would be utilized to offset this issue.

Q: If the local school district denies a charter application and an appeal is filed with the department of education, who is the charter contract between if the department of education overturns and grants the charter?

A: If this scenario occurs, the charter contract remains between the authorizer (local school district) and the charter school board of directors. However, joint oversight of charter schools with the Kentucky Board of Education (KBE) only occurs if a school district does not adhere to the KBE’s determination in the first appeal of a charter school applicant that is then appealed a second time to the KBE. (Section 6)

Q: Related to Medicaid:

- Will charter schools themselves be separate LEAs, or will they be considered part of the existing LEA school districts for purposes of the Medicaid contract for reimbursements?
- If the answer to the above questions is the later, what about mayoral-authorized charters? Will those charters be considered part of the school district (which district would it be)?
- If the answer to question 1 is “both,” that presents the additional question of the precise status of conversion schools and the district they used to be a part of/still are a part of?

A: KDE is currently in discussions with the Department for Medicaid Services within the Kentucky Cabinet for Health and Family Services regarding these logistical issues. We will update school districts and any charter school applicants when additional information becomes available.

Q: May conversion charter schools be initiated by parents only, or is the local board of education and/or SBDM required to agree before a conversion of a traditional public school to a charter school can occur?

A: *There are 3 ways that conversion charter schools may be authorized:*

- *If a school has been identified in the bottom 5% (comprehensive support school under SB 1/ESSA), 60% of parents/guardians of students in the school can petition for a conversion to a valid authorizer; OR*
- *If a school has NOT been identified in the bottom 5% (not a comprehensive support school), 60% of parents/guardians of students in the school can petition for a conversion to a valid authorizer AND that petition must be approved by the local board of education for conversion by a valid authorizer; OR*
- *A local board of education votes to convert an existing school in the district to a conversion charter school.*

Exemptions

Q: Related to charter flexibility and innovation allowed through exemptions from statute and regulations, are the following exemptions permissible?

- a. no food service (have open campus for lunch)
- b. no transportation provided (students all walkers or transported by parent/guardian/caretaker or their designee)
- c. no music, art, humanities, physical education courses; no recess (in order to allocate all instruction time on core academic and STEM subjects)
- d. start on the Monday closest to August 26 (see SB50), have 152 seven-hour instructional days (1064 hrs. total), and employ all staff on a 155-day contract (in order to have contracts less than 185 days)
- e. have partial-day enrollment students (in order to enroll students who are ½ charter enrollment, ½ home school or ½ charter enrollment, ½ parochial school enrollment)

A: *This is a hypothetical question that is difficult to answer without knowledge of the application a charter applicant would provide with explanation as to why these services would not be provided at a charter school. Charter schools are NOT exempt from health, safety, civil rights and disability rights requirements in state and federal law. (Section 3). The provision of other services will depend upon the charter schools "...specific set of educational objectives as defined in the charter contract between the school's board of directors and its authorizer." (Section 3). It is theoretically possible for a charter school to have some of the characteristics described in a-e in the question above. However, the charter school also has to weigh whether these characteristics will be attractive to parents/students and if they will assist the charter school in improving student achievement. (Section 5) Ultimately, the question on appeal to the Kentucky Board of Education is whether denial of the charter school would be in the best interest of the students or the community. (Section 6)*

Per its definition, a public charter school has autonomy over decisions, including but not limited to, matters concerning finance, personnel, scheduling, curriculum, and instruction. (HB 520 Section 1.(12)(b)) However, a public charter must: “Ensure students' participation in the required state assessment of student performance, as required under KRS 158.6453.” (Section 3.(3)(g)). The charter is required to report assessment performance to the KBE per HB 520, Section 7.(d)(4).

HB 520 only requires that the charter provide equivalent instructional time. (Section 3.(3)(m)).

Q: If the regulations are a problem, get rid of these regulations.

A: This is a statement and not a question. HB 520, while generally exempting charter schools from statutes and regulations, requires adherence to all health, safety, civil rights and disability statutes and regulations (Section 3), all regulations promulgated by the KBE applying to charter schools and all other requirements mandated by HB 520 (Sections 1, 3, 10 and 11). Most importantly, a charter school must adhere to the charter contract with the authorizer. Any charter contract should contain high expectations and accountability requirements for the charter school, including performance reports that must detail how the charter is addressing student achievement. (Section 9)

It is also important to note that current state law already permits local boards of education and school-based decision making councils to request a waiver from certain statutes and regulations via application and approval of the Kentucky Board of Education (See general waiver of regulations in KRS 156.160, and Districts of Innovation in 156.108 and 160.107).

Enrollment

Q: Related to enrollment:

- Under what situation or conditions could a charter school deny an enrollment request?
- Is ‘lack of existing resources’ or ‘lack of ability to provide resources’ a reason to deny enrollment to an individual who has an identified disability, or an established IEP or 504 plan?
- Can charter schools have ‘attendance areas’ – defining that they serve only individuals who reside in a defined specific geographical area?

A: A charter school in Kentucky may NOT deny enrollment so long as there is space available in the charter school. A charter school in Kentucky may NOT deny enrollment on the basis of a disability or lack of ability to provide resources to serve that disability.

“A public charter school shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability, or any other ground that would be unlawful if done by a public school.” (Section 3)

Attendance areas for charter schools are the district boundaries where the charter is located, or if a regional achievement academy, the boundaries of the regional achievement zone, or if a

charter created by a collaborative of school districts, the boundaries of the school districts in the collaborative.

Q: Will charter schools select students first, based on student application/need BEFORE conducting the lottery process?

A: It is important to remember that HB 520 requires that parents/students be permitted to choose to attend charter schools; charter schools do not choose or select students. Also, local school districts are prohibited from assigning students or staff to a charter school unless that student or staff member chose to attend/work in that charter school.

HB 520 requires enrollment preferences for students that attended the school the previous year and for siblings. HB 520 permits enrollment preferences for children of the charter school's board of directors and for children of full-time employees of the charter school. Enrollment preferences may also be given to students who meet federal free/reduced priced meal criteria or who attend a non-charter persistently low-achieving school (also referred to as a comprehensive support school in SB 1/ESSA).

If capacity is insufficient to enroll all students wishing to attend, a transparent and random lottery must be conducted. Returning students are enrolled first and are not required to participate in the lottery. (Section 2)

Q: Explain the student enrollment process that would be acceptable? Students can attend if they're in district – do they have to meet certain criteria for selection, like free/reduced lunch status? When would the lottery process apply?

A: It is important to remember that HB 520 requires that parents/students be permitted to choose to attend charter schools; charter schools do not choose or select students. Also, local school districts are prohibited from assigning students or staff to a charter school unless that student or staff member chooses to attend/work in that charter school.

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Q: Section 5d says the charter may not/shall accept gap students (free/reduced, etc.). With every may is a may not. If charters are to help the underserved, it should say shall.

A: It is important to remember that HB 520 requires that parents/students be permitted to choose to attend charter schools; charter schools do not choose or select students. Also, local school districts are prohibited from assigning students or staff to a charter school unless that student or staff member chooses to attend/work in that charter school.

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Q: Is the minimum number of students needed to start a charter school 100?

A: HB 520 states on p. 16 (<http://www.lrc.ky.gov/recorddocuments/bill/17RS/HB520/bill.pdf>), that unless the charter school is focusing on serving special needs or at risk students, the charter school plan/application must demonstrate the ability to provide service to at least 100 students.

Funding

Q: Would the charter schools be eligible for Title I, Title II, flex focus funds, and other federal and state grants? Would this come out of the authorizing district's allocations?

A: Charter schools are eligible for allocation of state, local and federal funding. The charter contract (the charter) between the charter board of directors and the authorizer is required to describe the allocation of these resources from the authorizer to the charter school. (Section 7). Specific state and federal grants may contain statutory, regulatory or guidance language dictating how any funds are to flow to charter schools.

Q: If a charter school is eligible to apply for a grant, such as reading, what will be done to ensure that the charter school is not given preferential/favorable scoring due to something they are allowed to do that regular public schools are not able to do?

A: Unless a federal grant requires preference for charter applicants, or the General Assembly requires preference in statute or in the state budget bill for charter schools, grants administered by KDE (e.g., Read to Achieve and Math Achievement) will continue to be awarded based upon a competitive process using blind scoring. KDE will continue to make sure that all public schools (traditional and charter) are on an equal playing field for grants administered by KDE.

It is also important to note that current state law already permits local boards of education and school-based decision making councils to request a waiver from certain statutes and regulations via application and approval of the Kentucky Board of Education (See general waiver of regulations in KRS 156.160, and Districts of Innovation in 156.108 and 160.107).

Q: Will charter funding be based on ADA or ADM?

A: SEEK funding for school districts is based upon ADA currently and that will not change with the addition of charter schools (unless the General Assembly chooses to change to ADM or another method via statutory changes in a future legislative session). Because charter school pupil attendance is collected via the same process (SAAR), then charter school funding will be based upon ADA.

Transportation

Q: Related to transportation:

- If the local school district provides transportation for the charters, are the bus drivers still employees of the school district?
- Does the charter school need to follow the student code of conduct and behavior and discipline on the bus?
- If not, how do we address the disconnect between bus drivers needing to enforce discipline on the bus under one set of rules and the charter enforcing bus discipline using a different set of rules?

A: If a local school district provides transportation for a charter school(s) in that district, those transportation employees remain under the control of the school district as district employees. While charter schools and traditional public schools in the same district are likely to have different discipline policies and procedures, it is likely that the charter school and the authorizer (district) will agree through the charter contract as to the policies and procedures that will be followed by charter school students utilizing district transportation.

Q: Will a district be required to transport students to a charter school if they do not provide transportation for their own students?

A: No. HB 471 is clear that if a district chooses to not transport charter school students in that district, then a proportionate amount of the transportation funding a district receives is transferred to the charter school as calculated under KRS 157.360 (2). However, if a district is not providing transportation to its own students, then there is no funding to transfer to the charter school as state funds per KRS 157.360 do not flow to the district. Thus, a charter school in a district that does not transport its own students would not receive transportation from the district or receive funds for transportation (unless agreed upon in the charter contract).

Authorizers

Q: Will KDE offer training to Authorizers (local boards of education and superintendents)

sometime soon?

A: Commissioner Pruitt is working with KSBA, KASA, KASS and other “K” groups to encourage the development of necessary training to ensure that charter schools enhance Kentucky’s longstanding reputation as a leader in education reform and improvement. KSBA has informed KDE that they are already working on training and policy development related to charter schools. KDE will continue to offer guidance and technical assistance through the KDE Charter Division, as well as through other KDE staff in the areas of federal programs, innovation, finance, transportation, legal and facilities.

Q: Will there be some mock charter application exercises for the authorizers to approve/deny based upon the law?

A: This is an idea that can be incorporated into training provided by KSBA or other membership groups. It is important to remember that all charter applications will be different and must be evaluated on their own merits by evaluating the needs of the students and local community with the proposed charter school plan.

HB 520 is very clear that the charter school application process is to be very rigorous and that local authorizers have an obligation to ensure that all charter requirements are satisfied before authorizing a charter school.

Q: Are the mayors of Lexington and Louisville restricted to authorizing Charters in their cities only?

A: Yes, however, keep in mind that the “city” of Lexington is an “urban-county government” under Kentucky law. As a result and under the definition of “authorizer” in HB 520, any charter authorized by the Lexington-Fayette mayor (the chief executive officer of an urban-county government) would be open to all students residing in Fayette County. Similarly, the “city” of Louisville is a “consolidated local government” within Jefferson County under Kentucky law. As a result and under the definition of “authorizer” in HB 520, any charter authorized by the Louisville mayor would be open to all students residing in Jefferson County.

Charter Applications

Q: What are some examples/reasons, both legitimate and illegitimate, for a local school district to deny a charter application?

A: This is a hypothetical question that cannot be answered without knowing the details contained in a charter application.

HB 520 provides the following related to the charter application review, evaluation and approval by authorizers:

Charter applications shall be approved by an authorizer if a) the requirements established in HB 520 for charter schools are met, b) “the applicant demonstrates the ability to operate the school in an educationally sound and fiscally sound manner,” AND approving of the

“...application is likely to improve student learning and achievement and further the purposes established...” in HB 520. (Section 5)

Authorizers may give preference to “...applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to...” at risk students and special needs students. (Section 5)

On appeal to the KBE, the standard of review will be whether or not the authorizer’s decision regarding the charter school was “contrary to the best interests of the students or community.”

HB 520, Section 5.(1)(e) requires denial of charter applications that:

- *Fail to meet the requirements of this section and Section 4 of this Act; or*
- *Are for a school that would be wholly or partly under the control or direction of any religious denomination;*

HB 520 Section 4. contains the required elements of a charter application.

HB 520 Section 5.(4)(a) says, “In deciding to approve a charter application, the authorizer shall: (a) Grant charters only to applicants that possess competence in all elements of the application requirements identified in this section and Section 4 of this Act.”

HB 520 is very clear that the charter school application process is to be very rigorous and that local authorizers have an obligation to ensure that all charter requirements are satisfied before authorizing a charter school.

Athletics/KAAC

Q: Does charter school participation in athletics or academic activities fall under the KHSAA (Kentucky High School Athletics Association) and KAAC (Kentucky Association of Academic Competition)?

A: *Yes. If charter schools offer interscholastic athletics, then access to membership in the KHSAA is permitted by HB 520. In order for a charter school to compete against other public schools in interscholastic athletics play, then membership in KHSAA would be required.*

HB 520 does not specifically address KAAC participation. Because charter schools are considered public schools, participation in KAAC activities will be determined by the governing bylaws of the KAAC and the charter board’s decision to participate or become a member of the KAAC.

Q: Once a student is enrolled in a charter school, does the charter school have the same obligation to continue to provide services to the student as the traditional public school does or will the charter school be allowed to discontinue providing services to a student if that student does not meet performance standards? Is that an issue that can be addressed in the contract with the charter school?

A: A charter school is a public school and is prohibited by the language in HB 520 from discriminating based upon academic achievement or ability.

Q: If a charter school does not offer any sports and a charter student wants to play a sport at the local school district, can the school district charge a fee for the charter school student that it does not charge its own students? This would be to offset costs that the school district does not receive from the charter student in the school district.

A: This issue is not addressed in HB 520 or HB 471. Unless the General Assembly addresses this issue in future legislation, the charter contract between the authorizer and the charter school would need to address logistical issues around athletic participation in the school the student would have attended.

Districts should determine whether charter student participation in the sport has a negligible financial impact, or if a higher cost sport, whether participation by a charter school student adds additional costs and overhead expenses for the district. It is hoped that the charter school and the school the student would have attended will have a cooperative relationship to address this and other issues.

Q: Are charter schools required to have girls' athletics if they have boys' athletics?

A: Charter schools are required to abide by all laws and regulations regarding civil rights. Title IX is a federal civil rights law prohibiting discrimination based upon sex for educational programs receiving federal funds. Charter schools will be operating programs receiving federal funds (e.g., IDEA); therefore, charter schools must abide by the Title IX requirements for equal opportunity in athletics for both males and females.

KDE/KBE Processes

Q: How long will it be before the application and regulations will be ready?

A: Even though the effective date of HB 520 is not until the first moment of June 29, 2017, KDE is already working on drafting regulations, guidance and hiring individuals to staff a small charter division within KDE. It is anticipated that the KBE will conduct a "first read" of charter regulations at the August 2017 meeting and a final read/approval at the October 2017 meeting. The regulations will then be filed with the Legislative Research Commission pursuant to KRS Chapter 13A and proceed through thirty (30) days of public comment and review by legislative committees before becoming effective.