

CHARTER SCHOOLS

TEACHER FORMED AND OPERATED SCHOOLS THAT ARE OUTCOME-BASED

The 1991 State Legislature passed a bill that authorizes one or more licensed teachers to create and operate a charter school which is outcome-based. Eight charter schools may be authorized in the state, but no district may sponsor more than two. Each school must be located in Minnesota, the sponsoring district may not prescribe or limit its location. Teachers may seek sponsorship outside the district in which the school will be located. This legislation offers parents and learners in our state another choice of where the learner will attend school.

Those desiring to form a charter school must seek sponsorship of a school board of a public school district in the state by submitting a 3-5 page letter of intent which includes a description of the program which carries out one or more of the purposes in the legislation; the age/grade levels of the student body and length of school year; an overview of the learning outcomes and how they will be measured; the plan for managing and administering the school; methods to be used for financial and student accounting; and the types of insurance coverage. The sponsoring school board must file a notarized letter indicating desire to sponsor a charter school and school's letter of intent with the State Board of Education for approval to authorize a charter school. Approval of the State Board must be obtained before the school may begin.

The law allowing for the creation of schools that are designed and operated by teachers and their school's board of directors was enacted for the purposes of encouraging:

- educational programs which improve pupil learning;
- more learning opportunities for pupils;
- different and innovative teaching methods;
- different and innovative forms of measuring outcomes;
- new forms of accountability for schools; or
- new professional opportunities for teachers.

Each charter school is in charge of its own destiny. The school will be organized and operated as a cooperative or a nonprofit organization. Charter schools are exempt from all laws and rules except for those indicated in the outcome-based charter school legislation. The teachers and the community of those participating in the school will determine all aspects of the learner-centered, results-oriented educational program, the management and administration of the school. General education revenue, capital expenditure equipment revenue, special education aid, and other aid, grants, and revenue for which a levy is not required, will flow directly from the state to the charter school.

The charter school will have an elected board of directors that decides matters related to the operation of the school. The board will be responsible for hiring and dismissing staff, budgeting, contracting for services, curriculum, and other operating procedures. The board of directors can sue and be sued. The board may not levy taxes or issue bonds. The board

will be elected by the parents of students enrolled in the school and all staff members employed by the school. Teachers employed by the school must make up the majority of members on the board.

HOW DOES THE LOCAL SCHOOL DISTRICT FIT IN?

A local school board has the opportunity to support the development of an outcome-based charter school. What follows are the responsibilities of districts that are sponsoring a charter school, have teachers participating in the operation of a charter school, and/or have a charter school located in their district.

SPONSORING DISTRICTS

Request Approval

Those interested in developing a charter school will need to have a school board of a local district to act as a sponsor. It is this local school board that is to file a notarized letter and the school's letter of intent with the State Board of Education stating the terms and conditions under which it will sponsor a charter school. Approval is required by the State Board before the charter school may begin. Failure to obtain approval precludes sponsoring the school. The State Board must give notice of approval or disapproval within 30 days of receiving the proposal.

After the State Board of Education gives approval to the school board to authorize the charter school, the board enters into a written contract with the school's board of directors. The contract shall contain at least the following information:

- a description of a nonsectarian program that carries out one or more of the purposes in the law;
- specific outcomes to be achieved by students attending the school;
- admission policies and procedures;
- requirements and procedures for program and financial audits;
- location of school (district/city), age or grade level of students, and length of school year;
- how the school will comply with health and safety requirements;
- evidence that the program, admission policies, employment practices, and other operations are nonsectarian;
- evidence of a comprehensive program of instruction;
- types and amounts of insurance coverage to be obtained;
- assurance of no tuition charges;
- assurance the school will comply with all human rights laws (chapter 363) and non-discrimination in athletics (section 126.21);
- assurance of compliance with the pupil fair dismissal act (sections 127.26 to 127.39 and the Minnesota public school fee law (sections 120.71 to 120.76);
- assurance that the school will follow the same financial audits, audit procedures, and audit requirements as school districts (sections 121.901 to 121.917) except when deviations are necessary because of the program at the school;
- assurance the school assumes all liability;

- the term of contract (may be up to three years);
- any other claims determined by the board of directors of the charter school and the sponsoring school board.

Authorization for Initial Costs

The sponsoring local board may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary in order for it to raise working capital. This cannot be done before the State Board has approved the authorization.

Review Annual Report

Each outcome-based school must submit a report at least annually to the sponsoring school board and the State Board of Education containing information required by the two boards.

Renewal or Termination of the Contract

The sponsoring local school board is responsible for reviewing and determining whether to renew or terminate the contract with an outcome-based school. The contract will be judged on the following:

- success in meeting the requirements for pupil performance contained in the contract;
- success in meeting generally accepted standards of fiscal management;
- compliance with the law; and
- other claims in the contract between the local board and the school.

At least 60 days before terminating a contract, the sponsor shall notify the board of directors of the charter school of the grounds for the proposed action written in reasonable detail. The school's board of directors may request an informal hearing within 14 days of receiving the notification. A hearing to discuss the grounds for non-renewal must be set and conducted before final action is taken. Failure of the board of directors of the charter school to give a timely response for a hearing will be treated as acquiescence to the proposed action.

Immunity

The sponsoring school board and its members and the State board and its members in their official capacity, and employees of a sponsoring district are immune from civil or criminal liability with respect to all activities related to an outcome-based school that they sponsor or approve.

DISTRICTS WITH TEACHERS PARTICIPATING IN CHARTER SCHOOLS

Grant Leaves of Absence

If a teacher employed by a school district makes a written request for an extended leave of absence to teach in a charter school, the district must grant the leave. The leave must be for the number of years requested by the teacher and extended if the teacher so requests. The district may require that the teacher request or extend the leave 90 days before otherwise having to report for duty.

"Teachers may continue to aggregate benefits and credits in the teachers' retirement association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began." (1991 legislation).

DISTRICTS THAT HAVE CHARTER SCHOOLS WITHIN THEIR BOUNDARIES

Transportation

Transportation is similar to open enrollment. The district in which the charter school is located is responsible for transporting students who live in the district and will transport students residing outside the district from the district's border to the outcome-based charter school. Transportation may be provided from home to school if the resident district agrees to allow the district in which the school is located to come into the district. Parents may appeal to the Commissioner of Education if their request has been denied. (See MS 120.062 subd.9 and 123.39 subd.6.)

DISTRICTS THAT HAVE STUDENTS PARTICIPATING IN CHARTER SCHOOLS

Re-enrollment of Students

If the contract for the outcome-based charter school is not renewed, the pupil, siblings of the pupil, or other pupils residing in the home may apply at any time to enroll in the resident district or a nonresident district, as in open enrollment. Open enrollment deadlines do not apply.

INFORMATION FOR THOSE FORMING OUTCOME-BASED CHARTER SCHOOLS

An information guide for teachers, parents, community people who are interested in creating an outcome-based charter school is being developed. Contact Peggy Hunter, Enrollment Options Coordinator, 939 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, (612) 297-2241 with questions or information.