ALABAMA STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-3-6
CHARTER SCHOOLS

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

Effective March 19, 2015, public charter schools are established as a part of the public education system of the state of Alabama. A public charter school shall not be established in Alabama unless authorized by the Act and the rules and regulations of the Alabama State Board of Education.
Author: Thomas R. Bice
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290-3-6-.02 Definitions.

(1) ACT. The Alabama School Choice and Student Opportunity Act, as amended, to provide for public charter schools.

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

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

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

who are at risk of dropping out of high school, and students who do not meet minimum standards of academic proficiency.

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

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

(7) COMMISSION. The Alabama Public Charter School Commission.

(8) CONVERSION PUBLIC CHARTER SCHOOL. A public charter school that existed as a non-charter public school before becoming a public charter school. A conversion public charter school shall adopt and maintain a policy giving enrollment preference to students who reside within the former attendance zone of the public school.

(9) DEPARTMENT. The Alabama State Department of Education.

(10) EDUCATION SERVICE PROVIDER. An entity with which a public charter school intends to contract with for educational design, implementation, or comprehensive management. This relationship shall be articulated in the public charter school application.

(11) GOVERNING BOARD. The independent board of a public charter school that is party to the charter contract with the authorizer. A governing board shall have at least 20 percent of its membership be parents of students who attend or have attended the public charter school for at least one academic year. Before the first day of instruction, the 20 percent membership requirement may be satisfied by parents who intend to have their students attend the public charter school.

(12) CHARTER OPERATOR. An entity with which a local school board authorizer has awarded a contract to oversee the implementation of conversion charter schools.

(13) GUIDELINES. The guidance for public charter schools issued by the Department.

(14) LOCAL SCHOOL BOARD. A city or county board of education exercising management and control of a city or county local school system pursuant to state law.

(15) LOCAL SCHOOL SYSTEM. A public agency that establishes and supervises one or more public schools within its geographical limits pursuant to state law. A local school system includes a city or county school system.

(16) NATIONALLY RECOGNIZED AUTHORIZING STANDARDS. Standards for high quality public charter school issued by the National Association of Charter School Authorizers.

(17) NON-CHARTER PUBLIC SCHOOL. A public school other than a school formed pursuant to the Act. A public school that is under the direct management, governance, and control of a local school board or the state.

(18) PARENT. A parent, guardian, or other person or entity having legal custody of a child.

(19) PUBLIC CHARTER SCHOOL. A public school formed pursuant to the Act.

(20) RESIDENCE. The domicile of the student's custodial parent.

(21) START-UP PUBLIC CHARTER SCHOOL. A public charter school that did not exist as a non-charter public school prior to becoming a public charter school.

(22) STUDENT. Any child who is eligible for attendance in public schools in the state.

(23) STATE SUPERINTENDENT. The State Superintendent of Education.
Author: Thomas R. Bice; Dr. Eric G. Mackey
Statutory Authority: Code of Ala. 1975, §§16-4-7, 16-6F-9; Act No. 2023-420; Administrative Code Rules 290-1-1-.05 and 290-1-1-.030.
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290-3-6-.03 Guidelines For Public Charter Schools.

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

(2) The guidelines will incorporate the procedures, forms, and deadline for local school boards to apply as authorizers of public charter schools within its boundaries.

(3) The guidelines will include procedures, forms, and deadline for local board authorizers who wish to reapply for charter authority after five years as a local school board authorizer.

(4) The guidelines will include information and timelines for annual training for local school board authorizers.

(5) The guidelines will include the procedures for the charter schools, charter operators, and/or education service providers whose local board authorizer is denied charter authority upon reapplying for charter authority after five years.

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

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

(8) Charter schools will receive their distribution of allocations for operational and categorical funding in the same manner as all other non-charter public schools.

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

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

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

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

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

(14) The Department guidelines may include additional information and requirements in accordance with the Act, as amended.

(15) The policies and procedures included in the guidelines shall be implemented in addition to the requirements in the Act.
Author: Thomas R. Bice; Dr. Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §§16-4-7, 16-6F-9; Act No. 2023-420; Administrative Code Rules 290-1-1-.05 and 290-1-1-.030.
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