



MODEL CHARTER SCHOOL LAW

ARTICLE 3: CHARTER SCHOOLS

21-3-301. Purpose.

(a) It is the purpose of this article to provide opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure as a method to:

- (i) Improve pupil learning;
- (ii) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences;
- (iii) Encourage the use of different and innovative teaching methods;
- (iv) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; and
- (v) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

21-3-302. Definitions.

(a) As used in this article a "charter school" means:

- (i) Any school converted from an existing public or private school operating within the district;
- (ii) Any new school or a distance-learning program which is not currently being operated by the district as a public or private school;

(b) "District board" means the board of trustees of a school district elected as the governing body of the school district;

(c) "School District" means each school district now or hereafter legally organized as a body corporate pursuant to [insert statute];

(d) "State board" means the state board of education appointed pursuant to [insert statute].

(e) "Charter entity" means a charter authorizing body as established in subsection (c) of section 21-3-305

21-3-303. Charter school prohibitions.

(a) This article shall not prohibit any private person or organization from funding or providing other assistance for the establishment or operation of a charter school established pursuant to this article when the charter entity determines the funding or assistance is compatible with the mission of the district.

21-3-304. Charter school; requirements; authority.



- (a) A charter school shall be a public, nonsectarian, nonreligious school which operates within a school district. Tuition shall not be charged by a charter school.
- (b) A charter school shall be a public school and shall be accountable to the charter entity for purposes of ensuring compliance with applicable laws and charter provisions and the requirements of the state constitution.
- (c) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application. Enrollment decisions shall not discriminate against at-risk students or special program students.
- (d) A charter school shall be administered and governed by a governing body in a manner agreed to by the charter school applicant and the charter entity. A charter school may organize as a nonprofit corporation pursuant to the [insert state] Nonprofit Corporation Act, which shall not affect its status as a public school for any purposes under state law.
- (e) A charter school, as a public school, is a governmental entity. Direct leases and financial obligations of a charter school shall not constitute debt or financial obligations of the school district unless the district board expressly assumes such obligations in writing.
- (f) Notwithstanding the provisions of this article to the contrary, a charter school and the charter entity may agree to extend the length of the charter beyond five (5) years for the purpose of enhancing the terms of any lease or financial obligation.
- (g) A charter school is a public school and is part of the state's system of public education. Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school, a board, or a district, although it may elect to comply with one or more provisions of statutes or rules. (Subd. 8. from MN Law)
- (h) A charter school shall be responsible for its own operation including, but not limited to, preparation of a budget, contracting for services and personnel matters.
- (i) A charter school may negotiate and contract with a charter entity, the governing body of a state college or university, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity or undertaking that the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at cost. The charter school shall have standing to sue and be sued in its own name for the enforcement of any contract created pursuant to this subsection. A charter school may own, lease or rent its space. For purposes of local zoning, land use regulation and building code compliance, a charter school shall be deemed a nonpublic school. A charter school may pledge, assign or encumber its assets to be used as collateral for loans or extensions of credit; provided, however, that a charter school shall not pledge or assign monies provided, or to be provided, pursuant to section 21-3-312 of this article in connection with the purchase or construction, acquisition, reconstruction, rehabilitation or improvement of a school facility. The office of general services (or



applicable state/ county office designated to oversee government owned real property) shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a charter school. Such list shall be provided to applicants for charter schools and to existing charter schools. At the request of a charter school or a prospective applicant, a school district shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the school district that may be suitable for the operation of a charter school. **(From Section 2853 (3) from NY)**

(j) Public and private assistance to charter schools.

(i) Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider.

(ii) The charter and application therefor shall set forth the manner in which students ineligible for transportation pursuant to section thirty-six hundred thirty-five of this chapter shall be transported to and from school (or applicable educational transportation service section. Any supplemental transportation provided by a charter school shall comply with all transportation safety laws and regulations applicable to other public schools. A school district may enter into a contract for the provision of supplemental transportation services to a charter school, and any such services shall be provided by the school district at cost.

(iii) Private persons and organizations are encouraged to provide funding and other assistance to the establishment or operation of charter schools.

(iv) The school district of residence of children attending a charter school may, but is not required to, allow such children to participate in athletic and extra-curricular activities of the district's schools. **(From Section 2853 (4) from NY)**

(k) All decisions regarding the planning, siting and inspection of charter school facilities shall be made in accordance with law and as specified by contract with the district board.

(l) Admissions; enrollment; students. (From 2854 (2) from NY)

(i) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees; provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to



provide expanded learning opportunities for students at-risk of academic failure. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught.

(ii) Any child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school. The school shall enroll each eligible student who submits a timely application, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, provided, however, that an enrollment preference shall be provided to pupils returning to the charter school in the second or any subsequent year of operation and pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school.

(iii) A charter school shall serve one or more of the grades one through twelve, and shall limit admission to pupils within the grade levels served. Nothing herein shall prohibit a charter school from establishing a kindergarten program.

(iv) A student may withdraw from a charter school at any time and enroll in a public school. A charter school may refuse admission to any student who has been expelled or suspended from a public school until the period of suspension or expulsion from the public school has expired, consistent with the requirements of due process.

21-3-305. Eligible applicants; applications; submission. (From 2851 from NY)

(a) An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such application may be filed in conjunction with a college, university, museum, educational institution, not-for-profit corporation exempt from taxation under paragraph 3 of subsection (c) of section 501 of the internal revenue code or for-profit business or corporate entity authorized to do business in [insert state]. For charter schools established in conjunction with a for-profit business or corporate entity, the charter shall specify the extent of the entity's participation in the management and operation of the school.

(b) The information provided on the application shall be consistent with the provisions of this article and other applicable laws, rules and regulations. Such information shall include:

(i) A mission statement for the school and a description of an educational program that implements one or more of the purposes described in section 21-3-301.

(ii) A description of student achievement goals for the school's educational program and the chosen methods of evaluating that students have attained the skills and knowledge specified for those goals. Such educational program shall meet or exceed the student performance standards adopted by the state board of education for other public schools.

(iii) The proposed governance structure of the school, including a list of members of the initial board of trustees, a description of the qualifications, terms and method of



appointment or election of trustees, the organizational structure of the school, and the processes to be followed by the school to promote parental and staff involvement in school governance.

(iv) Admission policies and procedures for the school, which shall be consistent with the requirements of subdivision (l) of section 21-3-304 of this article.

(v) A proposed budget and fiscal plan for the school, including supporting evidence that the fiscal plan is sound and that sufficient start-up funds will be available to the charter school.

(vi) Requirements and procedures for programmatic and independent fiscal audits at least once annually, with such audits being comparable in scope to those required of other public schools.

(vii) The hiring and personnel policies and procedures of the school, including the qualifications to be used in the hiring of teachers, school administrators and other school employees, and a description of staff responsibilities.

(viii) The rules and procedures by which students may be disciplined, including but not limited to expulsion or suspension from the school, which shall be consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities.

(ix) The number of students to be served by the school, which number shall be at least fifty at a single site and the minimum number of teachers to be employed at the school, which shall be at least three. Provided, however, that a charter school may serve fewer than fifty students or employ fewer than three teachers in the school's first year of operation or if the applicant presents a compelling justification, such as the school would serve a geographically remote region (or community with a sparse population)

(x) Information regarding the facilities to be used by the school, including the location of the school, if known, and the means by which pupils will be transported to and from the school. If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant shall notify the charter entity and, if applicable, the state board of education within ten business days of acquiring facilities for such school; provided, however, that the charter school must obtain a certificate of occupancy for such facilities prior to the date on which instruction is to commence at the school.

(xi) A description of the ages and grade levels to be served by the school.

(xii) Identification and background information on all applicants and proposed members of the board of trustees.

(xiii) The school calendar and school day schedule, which shall provide at least as much instruction time during a school year as required of other public schools.

(xiv) Types and amounts of insurance coverage to be obtained by the school, which shall include adequate insurance for liability, property loss and the personal injury of students. The commissioner and the superintendent of instruction (or other applicable state department of instruction) may jointly promulgate regulations to implement the provisions of this paragraph.

(xv) The term of the proposed charter, which shall not exceed five years.

(xvi) Evidence of adequate community support for and interest in the charter



school sufficient to allow the school to reach its anticipated enrollment, and an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.

(xvii) A description of the health and food services to be provided to students attending the school.

(xviii) Methods and strategies for serving students with disabilities in compliance with all federal laws and regulations relating thereto.

(xix) Procedures to be followed in the case of the closure or dissolution of the charter school, including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district.

(xx) Requirements for the grant of a diploma, if the school serves the twelfth grade.

(xxi) A code of ethics for the charter school, setting forth for the guidance of its trustees, officers and employees the standards of conduct expected of them.

(xxii) A description of the residential facilities, if any, provided by the charter school.

(xxiii) Any other information relevant to the issuance of a charter required by the charter entity.

(c) An applicant shall submit the application to a charter entity for approval. For purposes of this article, a charter entity shall be:

- (i) The board of education of a school district;
- (ii) The board of trustees of the University of Wyoming; or
- (iii) The state board of education.

(d) Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters pursuant to section 21-3-306 of this article; provided, however, that a renewal application shall include:

(i) A report of the progress of the charter school in achieving the educational objectives set forth in the charter.

(ii) A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private. Such statement shall be in a form prescribed by the state superintendent of public instruction.

(iii) Copies of each of the annual reports of the charter school required by subdivision (b) of 21-3-314 of this article, including the charter school report cards and the certified financial statements.

(iv) Indications of parent and student satisfaction.

Such renewal application shall be submitted to the charter entity no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown.

21-3-306. Issuance of charter. (From Section 2852 from NY)



(a) A charter entity that receives an application for approval of a charter school shall act on each request received prior to October first of a calendar year on or before January first of the succeeding calendar year, and a proposed charter between the applicant and the charter entity resulting from such application shall be executed on or before February first of such succeeding year. Nothing in this subdivision shall be construed to prevent a charter entity from receiving or acting upon an application at any time.

(b) An application for a charter school shall not be approved unless the charter entity finds that:

- (i) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;
- (ii) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; and
- (iii) granting the application is likely to improve student learning and achievement and materially further the purposes set out in section 21-3-301 of this article. In reviewing applications, the charter entity is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure.

(c) A charter entity is not required to approve a charter and may require an applicant to modify or supplement an application as a condition of approval.

(d) Each individual applicant seeking to establish a charter school shall submit a full set of fingerprints to the charter entity for the purpose of obtaining a state and federal criminal records check. The division of criminal justice services is authorized to provide this information to the federal bureau of investigation and to perform a state and federal criminal records check on each applicant and report the results to the charter entity and the state superintendent of public instruction. The criminal records check shall be completed to the satisfaction of the charter entity prior to approval of the application. The department and the division of criminal justice services shall enter into any memoranda of agreement necessary to implement the requirements of this subdivision.

(e) Upon approval of an application by a charter entity, the applicant and charter entity shall enter into a proposed agreement allowing the applicants to organize and operate a charter school. Such written agreement, known as the charter, shall include

- (i) the information required by subdivision (b) of section 21-3-305 of this article, as modified or supplemented during the approval process,
- (ii) any other terms or conditions required by applicable laws, rules and regulations, and

any other terms or conditions, not inconsistent with law, agreed upon by the applicant and the charter entity. In addition, the charter shall include the specific commitments of the charter entity relating to its obligations to oversee and supervise the charter school. Within five days after entering into a proposed charter, the charter entity other than the state board of education shall submit to the state superintendent of public instruction a copy of the charter, the application and supporting documentation.



(f) The total number of charters issued by a charter entity other than a school district pursuant to this article shall not exceed one hundred. Fifty of such charters shall be issued on the recommendation of the charter entity described in paragraph (ii) of subdivision (c) of section 21-3-305 of this article, and fifty of such charters shall be issued on the recommendation of the other charter entities set forth in subdivision (c) of section 21-3-305 of this article. The failure of any body to issue the regulations authorized pursuant to this article shall not effect the authority of a charter entity to propose a charter to the state board of education or the state board of education's authority to grant such charter. A conversion of an existing public or private school to a charter school or the renewal or extension of a charter shall not be counted toward the numerical limits established by this subdivision.

21-3-307. Hearing by local board; prohibited actions by local board; criteria; compliance with state standards; state board review; contractual authority.

(a) Not later than thirty (30) days after receiving an application for any charter school as defined in 21-3-302, the district board shall hold a public hearing on the application, at which time the board shall consider the level of community and parental support for the application if an application for a new charter school, or the level of teacher and parental support if an application for a converted charter school. Following review of the application and the public hearing, if applicable, the district board shall either approve or deny the application within sixty (60) days of receipt. Approval under this article may be conditioned for purposes specified under subsection (c) of this section. In addition, the board may approve an application for the operation of a converted charter school only if it determines teacher and parental support for the conversion are established. Prior to approving an application for a charter school under this section, the board shall approve and adopt the content and terms of the contract as provided in 21-3-305.

(b) No district board of trustees or agent of the board shall require any employee of the school district to be employed in a charter school or any pupil enrolled in the school district to attend a charter school. No district board or its agent shall harass, threaten, discipline, discharge, retaliate or in any manner discriminate against any district employee involved directly or indirectly with an application to establish a charter school as authorized under this article.

(c) A charter entity shall not discriminate against a charter school in publicizing the district's educational options through advertising, direct mail, availability of mailing lists or other informational activities.

(d) Charter schools shall design its educational programs to meet or exceed the student performance standards imposed by [insert statute] and the uniform state student content and performance standards prescribed by the state board of education under [insert statute], including compliance with requirements under the statewide assessment system pursuant to [insert statute]). A charter school offering instruction in the high school grades may grant diplomas to the same extent as other public schools, and such other certificates and honors as are specifically authorized by their charter, and in testimony thereof give suitable certificates, honors and diplomas under its seal;



and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any other public school. **(Partly from 2854 (1) from NY)**

(e) Those teachers employed on a full-time basis in the charter school system shall be subject to the same requirements with respect to certification by the [insert state]professional teaching standards board under [insert statute] and other qualifications as any other teachers authorized to teach in [insert state]public schools.

21-3-308. Appeal; standard of review; procedures.

(a) A charter applicant or any other person who wishes to appeal a decision of a district board concerning a charter school shall provide the state board and the district board with a notice of appeal within thirty (30) days after the local board's decision. If the appeal is of a denial, nonrenewal, or revocation of a charter, the person bringing the appeal shall limit the grounds of the appeal to the grounds for denial specified by the district board. The notice shall include a brief statement of the reasons the charter school applicant contends the district board's denial was in error.

(b) If the notice of appeal, or the motion to review by the state board, relates to a district board's decision to deny, refuse to renew, or revoke a charter or to a district board's unilateral imposition of conditions that are unacceptable to the charter school or the charter applicant, the appeal and review process shall be as follows:

(i) Within sixty (60) days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which shall be held in the school district in which the proposed charter school has applied for a charter, shall review the decision of the district board and make its findings. If the state board finds that the local board's decision was contrary to the best interests of the pupils, school district or community, the state board shall remand such decision to the district board with written instructions for reconsideration thereof. The instructions shall include specific recommendations concerning the matters requiring reconsideration;

(ii) Within thirty (30) days following the remand of a decision to the district board and after reasonable public notice, the district board, at a public hearing, shall reconsider its decision and make a final decision;

(iii) If the district board's final decision is still to deny, refuse to renew or revoke a charter or to unilaterally impose conditions unacceptable to the charter school or the charter applicant, a second notice of appeal may be filed with the state board within thirty (30) days following such final decision;

(iv) Within thirty (30) days following receipt of the second notice of appeal or the making of a motion for a second review by the state board and after reasonable public notice, the state board, at a public hearing, shall determine whether the final decision of the district board was contrary to the best interests of the pupils, school district or community. If such a finding is made, the state board shall remand the final decision to the local board with instructions to approve the charter application. The decision of the state board may require



changes to the contract to be executed by the charter school and the school district.

21-3-309. Compliance with charter; participation in retirement system.

(a) A charter school approved pursuant to this article shall comply with the provisions set forth in its charter petition.

(b) Any charter school shall participate in the [insert state]retirement system to the extent as if it were a public school within the district.

21-3-310. Charter school organization; oversight. (From 2853 from NY)

(a) Organization and legal status.

(i) Upon the approval of a charter by a charter entity, the state board of education shall incorporate the charter school as an education corporation for a term not to exceed five years. Such certificate of incorporation shall not modify or limit any terms of the charter approved by the state board of education. Upon approval of an application to renew a charter, the state board of education shall extend the certificate of incorporation for a term not to exceed five years. Upon termination or nonrenewal of the charter of a charter school pursuant to section 21-3-313 of this article, the certificate of incorporation of the charter school shall be revoked by the state board of education, in compliance with the notice and hearing requirements of such section 21-3-313 of this article. It shall be the duty of the trustees of the charter school to obtain federal tax-exempt status no later than one year following approval of a charter school by the state board of education. For purposes of this article, "certificate of incorporation" shall mean the provisional charter issued by the state board of education to form the charter school as an educational corporation.

(ii) An education corporation organized to operate a charter school shall have all corporate powers necessary and desirable for carrying out a charter school program in accordance with the provisions of this article, other applicable laws and regulations and the terms of the charter, including all of the powers of an education corporation formed to operate an elementary or secondary school and those powers granted under the provisions of the not-for-profit corporation law that are made applicable to charter schools.

(iii) A charter school shall be deemed an independent and autonomous public school, except as otherwise provided in this article. The charter entity and the state board of education shall be deemed to be the public agents authorized to supervise and oversee the charter school.

(iv) The powers granted to a charter school under this article constitute the performance of essential public purposes and governmental purposes of this state. A charter school shall be exempt to the same extent as other public schools from all taxation, fees, assessments or special ad valorem levies on its earnings and its property, including property leased by the charter school. Instruments of conveyance to or from a charter school and any bonds or notes issued by a



charter school, together with the income therefrom, shall at all times be exempt from taxation.

(v) A charter school shall not have the power to levy taxes or to acquire property by eminent domain.

(vi) The board of trustees of the charter school shall have final authority for policy and operational decisions of the school. Nothing herein shall prohibit the board of trustees of a charter school from delegating decision-making authority to officers and employees of the school in accordance with the provisions of the charter.

(vii) Notwithstanding any provision of law to the contrary, no civil liability shall attach to any charter entity, the state board of education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school. Neither the local school district, the charter entity nor the state shall be liable for the debts or financial obligations of a charter school or any person or corporate entity who operates a charter school.

(b) The charter entity shall oversee each school approved by such entity, and may visit, examine into and inspect any charter school, including the records of such school, under its oversight and report its findings to the state superintendent of education. Oversight by a charter entity and the state board of education shall be sufficient to ensure that the charter school is in compliance with all applicable laws, regulations and charter provisions.

(b)(1) For district-granted charter schools, each district board granting a charter pursuant to this article shall annually report to the state board on each charter school operating within the district, compliance with the provisions of the charter and shall assure the state board that students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the school district.

21-3-311. Charter schools; employee options.

(a) During the first year that a teacher employed by a school district is employed by a charter school, the teacher shall be considered to be on a one (1) year leave of absence from the school district. The leave of absence shall commence on the first day of services for the charter school. Upon the request of the teacher, the one (1) year leave of absence shall be renewed for up to two (2) additional one (1) year periods upon the mutual agreement of the teacher and the school district. At the end of three (3) years, the relationship between the teacher and the school district shall be determined by the school district and the district shall provide notice to the teacher of the relationship.

(b) The employment status of school district employees employed by the charter school who seek to return to employment with noncharter schools in the school district shall be negotiated and included in the charter contract.

(c) An employee of a charter school shall be an employee of the governing board of the charter school and not an employee of a local school districts in which the charter is located, and may enter into a collective bargaining agreement that is separate from the school district's bargaining agreement.



21-3-312. Students counted among district ADM; determination of charter school funding.

(a) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. **(From 2856 (1) from NY)**

(b) In the event of the failure of the school district to make payments required by this section, the state comptroller (or other state oversight department responsible for accounts payable/receivable) shall deduct from any state funds which become due to such school district an amount equal to the unpaid obligation. The comptroller shall pay over such sum to the charter school upon certification of the commissioner. The commissioner shall promulgate regulations to implement the provisions of this subdivision. **(From 2856 (2) from NY)**

(c) Nothing in this article shall be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of a charter school. The board of trustees of a charter school is authorized to accept gifts, donations or grants of any kind made to the charter school and to expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor; provided, however, that no gift, donation or grant may be accepted if subject to a condition that is contrary to any provision of law or term of the charter. **(From 2856 (3) from NY)**

21-3-313. Causes for revocation or termination.

(a) The charter entity may terminate a charter upon any of the following grounds:

(i) When a charter school's outcome on student assessment measures adopted by the state board of education falls below the level that would allow the state superintendent of public instruction to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years:

(ii) Serious violations of law;

(iii) Material and substantial violation of the charter, including fiscal mismanagement; or

(iv) When the charter entity makes a determination that the charter school demonstrates a practice and pattern of egregious and intentional violations of the civil service law involving interference with or discrimination against employee rights.

(b) Notice of intent to revoke a charter shall be provided to the board of trustees of a charter school at least thirty days prior to the effective date of the proposed revocation. Such notice shall include a statement of reasons for the proposed revocation. The charter school shall be allowed at least thirty days to correct the problems associated with the proposed revocation. Prior to revocation of the charter, a charter school shall be provided an opportunity to be heard, consistent with the requirements of due process. Upon the termination of a charter, the charter school shall proceed with



dissolution pursuant to the procedures of the charter and direction of the charter entity and the state board of education.

(c) In addition to the provisions of subdivision two of this section, the charter entity or the state board of education may place a charter school falling within the provisions of subdivision one of this section on probationary status to allow the implementation of a remedial action plan. The failure of a charter school to comply with the terms and conditions of a remedial action plan may result in summary revocation of the school's charter.

(d) Any individual or group may bring a complaint to the board of trustees of a charter school alleging a violation of the provisions of this article, the charter, or any other provision of law relating to the management or operation of the charter school. If, after presentation of the complaint to the board of trustees of a charter school, the individual or group determines that such board has not adequately addressed the complaint, they may present that complaint to the charter entity, which shall investigate and respond. If, after presentation of the complaint to the charter entity, the individual or group determines that the charter entity has not adequately addressed the complaint, they may present that complaint to the state board of education, which shall investigate and respond. The charter entity and the state board of education shall have the power and the duty to issue appropriate remedial orders to charter schools under their jurisdiction to effectuate the provisions of this section.

(e) The regulatory power of the state board of education and the state superintendent of public instruction shall not extend to charter schools except as otherwise specifically provided in this article.

21-3-314. Notice; review and assessment.

(a) The state board of education shall distribute information announcing the availability of the charter school process described in this article to each local school district and public postsecondary educational institution. At each significant stage of the chartering process, the charter entity shall provide appropriate notification to the school district in which the charter school is located and to public and nonpublic schools in the same geographic area as the proposed charter school.

(b) Each charter school shall submit to the charter entity and to the state superintendent of public instruction an annual report. Such report shall be issued no later than the first day of August of each year for the preceding school year. The annual report shall be in such form as shall be prescribed by the state superintendent of public instruction and shall include at least the following components:

- (i) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the state superintendent of public instruction in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil.



- (ii) discussion of the progress made towards achievement of the goals set forth in the charter.
 - (iii) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the school.
- (c) The state board of education shall report annually to the governor, the temporary president of the senate, and the speaker of the assembly the following information:
- (i) The number, distribution, and a brief description of new charter schools established during the preceding year;
 - (ii) The current and projected programmatic and fiscal impact of charter schools on the delivery of services by the public school system;
 - (iii) The academic progress of students attending charter schools, as measured against comparable public and nonpublic schools wherever practicable; and
 - (iv) Any other information regarding charter schools that the state superintendent of public instruction deems necessary.