

CHARTER SCHOOL APPLICATION AND APPEAL PROCESS OVERVIEW

	Overview
Application	<ul style="list-style-type: none"> ● The local application procedure for charter schools must be in writing, must include all provisions set in statute, and must be available at the school district’s central office. (4 AAC 33.110)(a) ● The school district may use the charter school application template provided by the Department of Education & Early Development or use a template that contains all the required elements. (4 AAC 33.110)(a) ● An application for an initial charter school may not be submitted to the department more than 12 months before the planned start-up date for the new school. (4 AAC 33.110)(c) ● A renewal application for a charter school approved by the local school board may not be submitted to the department more than 12 months before the expiration of the existing contract. (4 AAC 33.110)(c) ● An application for an initial charter school or a renewal application must be received by the department at least 90 days before the next regularly scheduled meeting of the State Board of Education and Early Development. (4 AAC 33.110)(d)
Local Board Decision	<ul style="list-style-type: none"> ● A decision of a local school board approving or denying an application for a charter school must be in writing, must be issued to the applicant and the Department of Education & Early Development within 60 days after the application submission, and must include all supporting documents and all relevant findings of fact and conclusions of law. (AS 14.03.250)(b) ● If a local board approves a charter school application, the local board must forward the application along with required documentation to the State Board of Education and Early Development for review and approval within 30 days after the local school board’s decision to approve the application. (4 AAC 33.110)(b)
Appeal to Commissioner	<ul style="list-style-type: none"> ● The applicant may appeal an application denial to the commissioner within 60 days after the local school board issues its written decision of denial. (AS 14.03.250)(d) ● The notice of appeal must specify the grounds for the appeal and state if any finding of fact or conclusion of law in the decision is alleged to be in error and present evidence to support the allegation. (AS 14.03.250)(d) ● The notice of appeal must contain all the elements required by regulation. (4 AAC 33.110)(f) ● Within ten working days of receipt of the commissioner’s written request for a transcript of recorded testimony presented to the local school board regarding the application, the transcript must be provided. (4 AAC 33.110)(f)
Commissioner Review	<ul style="list-style-type: none"> ● The commissioner shall review the local school board’s decision to determine whether the findings of fact are supported by substantial evidence and whether the decision is contrary to law. (AS 14.03.250)(d) ● The commissioner may request written supplementation of the record from the applicant or the local school board. (AS 14.03.253)(a)

Commissioner Decision	<ul style="list-style-type: none"> • The commissioner may: <ol style="list-style-type: none"> 1. remand the appeal to the local school board for further review (AS 03.253(a)(1); or 2. approve the charter school application and forward the application and the written decision within 30 days to the State Board of Education and Early Development, with or without added conditions (AS 14.03.253(a)(2)(AS 14.03.250)(e); or 3. uphold the decision denying the charter school application. (AS 14.03.253(a)(3)
Appeal to State Board of Education	<ul style="list-style-type: none"> • If the commissioner upholds the denial of an application, the applicant may file an appeal for the commissioner’s decision to the State Board of Education and Early Development within 30 days of the issuance of the commissioner’s decision. (4 AAC 33.110)(h) • If an applicant files an appeal of the commissioner’s decision to the State Board of Education and Early Development, the commissioner will forward the appeal immediately to the state board for consideration at its next meeting. (4 AAC 33.110)(h)
State Board of Education Review	<ul style="list-style-type: none"> • The state board shall determine, based on record, whether the commissioner’s findings are supported by substantial evidence and whether the decision is contrary to law. (AS 14.03.253)(b) • The state board will not approve an application that contains insufficient information to determine compliance with the law. (4 AAC 33.110)(j)
State Board of Education Decision	<ul style="list-style-type: none"> • The state board will issue a written decision within 90 days after the filing of the appeal. (AS 14.03.253)(b) • A decision of the State Board of Education and Early Development granting or denying approval for a charter school application is the final agency action for purposes of an appeal to the superior court. (4 AAC 33.110)(k) • A local school board that denied an application for a charter school approved by the state board on appeal shall operate the charter school. (AS 14.03.250)(f)