ALABAMA STATE DEPARTMENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOLS

FREQUENTLY ASKED QUESTIONS
PRELIMINARY GUIDANCE

WORKING DOCUMENT
JUNE 2015
WORKING DOCUMENT

FOREWORD

With the passage of the *Alabama School Choice and Student Opportunity Act (Act 2015-3)* in March 2015, local school systems and their communities will have another tool to create innovative options to serve the needs of their students. As the Alabama State Department of Education (ALSDE) and the Alabama State Board of Education (SBOE) move forward with the development of guidelines for implementation, the focus will be on the same three criteria that would be applied to any new option or program affecting public education:

- Meeting the needs of students that are currently unmet through existing public school options and internal innovative programs/choices -- another option for innovation.
- Ensuring that the decision to create a public charter school originates at the local level based on the needs of its students and with broad community support.
- Ensuring that there is no negative financial impact on an existing school or school system as a result of the creation of a start-up or conversion public charter school since the state’s Foundation Program for public schools still remains only partially funded.

**Frequently Asked Questions – Preliminary Guidance**

The ALSDE Office of Public Charter Schools, in collaboration with the ALSDE Offices of Career and Technical Education/Workforce Development, Learning Support, Supporting Programs, and Teaching and Leading, developed this working document in response to many questions and requests for guidance received from many instructional leaders, agencies, boards, community members, family members, students, and interested individuals.

*Note:* This working document “highlights” some of the key questions and requests for guidance received by the ALSDE to date. However, it does not attempt to address all Alabama public charter school questions. The frequently asked questions (FAQs) and information included in this document will be updated as additional questions and requests are received. The future ALSDE Public Charter School Web site (available Summer 2015) will become the “home” for this document and all future Alabama public charter school information.

**Office of Public Charter Schools Assistance**

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Charter schools are public schools of choice as provided by the *Alabama School Choice and Student Opportunity Act* (Act 2015-3). Families and community members are welcomed in public charter schools and are treated as partners in their child’s education. Because public charter schools are designed to offer innovative educational strategies, some may be uniquely situated to provide a specialized focus in career and technical education (CTE) and training.

**Can career technical education be a focused theme of a public charter school?**

Yes. Public charter schools may include a specific academic approach or theme including career technical training. However, any public charter school formed with a CTE focus must be a comprehensive school providing all academic and career and technical educational services for all enrolled students on a full-time basis.

**Who may attend a CTE-focused public charter school?**

Any child residing in the state of Alabama who meets the age/grade level eligibility requirements of the CTE-focused public charter school may be eligible to attend the school. However, students residing within the local geographic bounds of the school district in which the charter school is established will have preferential treatment in enrolling given limited enrollment capacity.

**Can students attend a CTE-focused charter school on a part-time basis?**

No. There is not currently any provision within Act 2015-3 that would allow students to attend a public charter school for only a portion of the day, unlike the partial day attendance for students at many of Alabama’s Career and Technical Education Centers.

**How does the funding formula work for CTE-focused public charter schools?**

Public charter schools will receive state Foundation Program funds and local tax revenue funds based upon the public charter school student’s individual place of residence. CTE-focused public charter schools may also receive any categorical funding, whether through block grants, state and federal categorical aid, special education funds, and federal Perkins Act funds.

**What accountability measures are in place for CTE-focused public charter schools?**

All students attending a CTE-focused public charter school will be required to take the same end-of-year standardized assessments as applicable to other students in traditional public schools throughout the state.

**What facilities access is granted to CTE-focused public charter schools?**

Public charter schools, including CTE-focused public charter schools, will have the right of first refusal to purchase or lease any closed or unused facility placed on the market from the local school system. Public charter schools, including CTE-focused public charter schools, are also eligible to have the same rights and access to Alabama Public School and College Authority (PSCA) funding opportunities as traditional public schools.
EDUCATOR/LEADERSHIP CERTIFICATION

Educator/Leadership Certification

Alabama School Choice and Student Opportunity Act (Act 2015-3), Section 9(e)(1)

Public charter schools shall comply with applicable federal laws, rules, and regulations regarding the qualification of teachers and other instructional staff. In accordance with subsection (a), teachers in public charter schools shall be exempt from state teacher certification requirements.

- Approaches to earning Alabama Educator and/or Leadership Certification for individuals working in conversion public charter schools or start-up public charter schools are the same as those for individuals in the public local education agencies (LEAs) of Alabama.
- After approval of a public charter school, a certification specialist at the Alabama State Department of Education (ALSDE) will be available to help the school's human resource department to provide assistance with certification approaches and/or questions just as they do with local education agencies and registered private schools in Alabama.

Criminal History Background Checks

Alabama School Choice and Student Opportunity Act (Act 2015-3), Section 9(d)(1)

Public charter schools shall be subject to the same civil rights, health, and safety requirements, including, but not limited to, state and local public health and building codes, employee finger printing and criminal background checks applicable to other public schools in the state, except as otherwise specifically provided in this act.

- See Criminal History Background Check Frequently Asked Questions (FAQs) for Alabama public charter schools below for information regarding background checks.

Notes

- For certification approaches and forms: www.alsde.edu/EdCert
- For individuals wanting to e-mail questions: Click on the “Contact Us” button on the Web site listed above.
- The telephone number for Educator Certification is 334-353-8567. However, the “Contact Us” link at www.alsde.edu/EdCert allows input of specific information that may speed up response time.

Criminal History Background Check FAQs for Alabama Public Charter Schools

Why does the Alabama State Department of Education (ALSDE) require criminal history background checks?

All applicants for employment who will have unsupervised access to children in any Alabama public charter school must complete an Alabama State Bureau of Investigation (ASBI) and Federal Bureau of Investigation (FBI) criminal history background check through the ALSDE, consistent with the Alabama Child Protection Act of 1999, as amended, codified at Ala. Code §§16-22A-1 to -34 (1975). This is also
required by Section 9(c)(1) of the Alabama School Choice and Student Opportunity Act (Ala. Act 2015-3).

Does an applicant who has already completed an Alabama State Bureau of Investigation and Federal Bureau of Investigation criminal history background check through the Alabama State Department of Education (ALSDE) need to be fingerprinted again for employment with an Alabama public charter school?

No. Under current requirements, an applicant who has completed an Alabama State Bureau of Investigation and Federal Bureau of Investigation criminal history background check through the ALSDE and whose fingerprint results are on file with our agency is not required to complete a new criminal history background check for employment purposes. An individual may verify that criminal history background check results are on file with the ALSDE by visiting the Educator Certification Portal at www.alsde.edu/EdCert (click “Background Clearance.”). However, the public charter school may elect to do a new criminal history check on applicants for employment pursuant to Ala. Code § 16-22A-5(a)(1975).

Are volunteers in Alabama public charter schools required to complete a criminal history background check?

No. Volunteers are individuals who receive no compensation from Alabama public charter schools for services rendered. Volunteers are not required, or even allowed, to be fingerprinted by the Alabama State Department of Education (ALSDE). However, Alabama public charter schools may require their own, separate background check for volunteers. These criminal history background checks will be conducted without the resources of the ALSDE. The ALSDE conducts criminal history background checks pursuant to the Alabama Child Protection Act of 1999, as amended, codified at Ala. Code §§16-22A-1 to -34 (1975). This act addresses criminal history background checks for purposes of employment or educator certification; it does not authorize criminal history background checks for volunteers.

If an applicant has completed a criminal history background check in another state or by another state agency in Alabama, is the applicant required to be fingerprinted again?

Yes. An applicant must complete an Alabama State Bureau of Investigation and Federal Bureau of Investigation criminal history background check through the Alabama State Department of Education (ALSDE). A criminal history background check submitted from the U.S. military; the Department of Human Resources; federal, state, and local law enforcement; or other agencies is not accepted.

How do I register and pay for fingerprinting?

3M Cogent Systems is the sole vendor, currently, authorized to conduct fingerprinting for the ALSDE. Applicants living in Alabama should follow the instructions regarding the fingerprinting process through 3M Cogent Systems at https://www.cogentid.com/al/index_adeNew.htm or by calling (866) 989-9316 (toll free). The current cost of fingerprinting for Alabama residents is $49.65. A list of fingerprint locations established in Alabama can be found on the 3M Cogent Systems Web site for Alabama at https://www.cogentid.com/al/index_adeNew.htm under the “Print Site Locations” tab. Applicants living outside of Alabama who are unable to report to a designated fingerprint site in Alabama should access the 3M Cogent Systems Web site to register online at https://www.cogentid.com/al/index_adeNew.htm. The applicant should contact the Educator Certification Section at (334) 353-8567 or e-mail edcert@alsde.edu to request two fingerprint cards. Once the fingerprint cards are received, the applicant should contact his/her local law enforcement agency to be fingerprinted. The applicant should send one completed fingerprint card and a money
order or cashier’s check in the amount of $57.65 made payable to 3M Cogent Systems to the following address: 3M Cogent Systems, 5025 Bradenton Ave., Suite A, Dublin, OH 43017. The applicant should keep the second completed fingerprint card in the event a reprint notice is received from 3M Cogent Systems.

**Is registration required prior to submitting fingerprints?**

Yes. Registration is required before submitting fingerprints to the ALSDE. During fingerprint registration at the 3M Cogent Systems Web site, applicants will be asked to provide pertinent information regarding their reason for requesting a criminal history background check. It is imperative that applicants provide complete and accurate responses to all questions during registration. Failure to do so will result in a delay of processing the criminal history background check. Applicants seeking employment with an Alabama public charter school, but not seeking Alabama certification or licensure, should select, “Employment in a classified position” as their “Application Type” and select the Alabama public charter school where they are seeking employment. This will ensure that results of the criminal history background check are reported to the applicant and the correct Alabama public charter school or LEA.

**Once fingerprints have been submitted to ALSDE through 3M Cogent Systems, how long will it take to receive the results of the background check?**

Results of the criminal history background check will be reported to the Alabama State Department of Education (ALSDE) usually within 48 hours of initial processing. Do not contact 3M Cogent Systems or the fingerprint locations with questions regarding individual history background results. All inquiries should be addressed to the ALSDE, Educator Certification Section, at (334) 353-8567.

**What can an applicant do to expedite the review of background check results?**

Typically, fingerprint results are received 48 hours after fingerprint submission. In some cases, this will take longer. Before a review can be completed, the Educator Certification Section may need additional information. If an applicant has been convicted of a felony or misdemeanor, he or she should mail the following information to the Alabama State Department of Education (ALSDE), Educator Certification Section, following the submission of his/her fingerprints to 3M Cogent Systems:

- A court certified copy of the case action summaries showing the judgments, convictions, and sentencing or other outcome of all charges.

- A notarized personal explanation regarding the circumstances surrounding each case to include the dates involved, the places of conviction, and any other factors that should be considered.

The information listed above should be mailed to the address listed below:

Alabama State Department of Education
Educator Certification Section
P.O. Box 302101
Montgomery, AL 36130-2101

**What should an applicant do if fingerprints results are rejected?**

In some cases an applicant’s fingerprints generate characteristics of poor quality causing the Alabama State Bureau of Investigation and Federal Bureau of Investigation to reject the submission. If the applicant’s fingerprints are rejected due to poor quality, a letter will be generated and mailed to the
applicant by 3M Cogent Systems. The applicant is required to take the letter (or the applicant's REGISTRATION ID) to any of the 3M Cogent Systems fingerprint locations in Alabama for the collection of a second set of fingerprints. If the applicant resides outside of Alabama and submitted fingerprint cards, the applicant will be required to submit a new set of fingerprint cards to 3M Cogent Systems, Alabama State Department of Education (ALSDE), Cards Scan, 5025 Bradenton Ave, Suite 100, Dublin, OH 43017. A new set of fingerprints received no later than 90 days after the first rejection will be processed at no additional cost to the applicant. If the applicant does not submit a new set of fingerprints within 90 days, the applicant must re-register, re-pay, and be fingerprinted again. If the second submission of the applicant's fingerprints is rejected due to the quality of the prints, the applicant will NOT receive a second rejection letter from 3M Cogent Systems. The ALSDE will be informed and will work with the Alabama State Bureau of Investigation, Federal Bureau of Investigation, and 3M Cogent Systems to provide a solution.

What does the status “Pending” mean?
“Pending” is a status commonly referenced on Alabama’s online Educator Certification Portal. “Pending” means that fingerprint results have been received but the review of the file has not been completed. The fingerprint applicant may contact the Alabama State Department of Education (ALSDE), Educator Certification Section, at (334) 353-8567 to speak with a background review specialist for specific information regarding the processing of the applicant’s file.

How will Alabama public charter school administrators be notified of an applicant’s criminal history background check results?
The Alabama State Department of Education (ALSDE), Educator Certification Section, will provide one of the following for all applicants for classified employment.

- A letter verifying that there are no known convictions or pending charges for the applicant or employee.
- A letter listing all known convictions and pending charges for the applicant or employee.
- A letter indicating that a file was closed due to the applicant’s failure to submit requested information during the review of their criminal history background results.

For certified applicants for employment, the ALSDE, Educator Certification Section, will provide a suitability determination in the form of a license or certification.

Criminal history background results, and the status of certificates and licenses, can also be viewed by utilizing our Educator Certification Portal at https://www.alsde.edu/sec/ec/Pages/home.aspx. The Educator Certification Portal is open to authorized users and members of the public as well. For more information on gaining authorized user access to our Educator Certification Portal, contact the Office of Teaching and Leading, Educator Certification Section, at (334) 353-8567.

I serve as school administrator for an Alabama public charter school. I received a letter from the Alabama State Department of Education (ALSDE) indicating that an applicant’s background review could not be completed. What does this mean?
The ALSDE, Educator Certification Section, routinely requests that applicants provide additional information regarding the results of their criminal history background check before a suitability determination is completed. This request is made in writing and mailed to the applicant at the address provided during fingerprint registration. In the event the applicant fails to respond to the request in
a timely manner, our office will terminate the review and close the file. Notice of this closure will be mailed to the applicant and to the Alabama public charter school designated by the applicant during fingerprint registration. A review may be reopened after the applicant has submitted all requested information to the ALSDE, Educator Certification Section. Applicants who have not completed a criminal history background check through the ALSDE are not eligible for employment.

If an employee of an Alabama public charter school is arrested subsequent to their initial suitability determination, will the school be notified?
The Alabama State Bureau of Investigation receives and provides updated reports of criminal arrests occurring in Alabama. Results regarding Alabama public charter school employees will be forwarded to the Alabama State Department of Education (ALSDE), Educator Certification Section. This information will then be disseminated to the appropriate Alabama public charter school administrator.

Who should I contact with additional questions regarding criminal history background check requirements?
For more information, please contact the Alabama State Department of Education (ALSDE), Educator Certification Section, at (334) 353-8567 or via e-mail at www.alsde.edu/EdCert (click “Contact us”).
A charter school is an independently run public school granted greater flexibility in its operations, in return for greater accountability for performance. The “charter” establishing each school is a performance contract detailing the school’s mission, program, students served, performance goals, and methods of assessment.

Who is responsible for allocating Title I and other federal formula funds to their charter schools?

If a charter school is authorized by an entity other than a traditional (school district) LEA, the State Education Agency (SEA) will be responsible for allocating Title I funds directly to the charter school pursuant to federal and state laws. In allocating these funds, SEAs will still comply with Section 5206 -Elementary and Secondary Education Act (ESEA) and ensure that funds are allocated in a timely and efficient manner for new and expanding charter schools. If a public charter school is, under state law, part of an LEA, the LEA will allocate federal funds to the charter school on the same basis as it provides funds to its other schools. (Section A-8; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004)

In addition to the provisions of Title V, Part B, Subpart 1, of ESEA, what other significant federal statutory and regulatory authorities apply to the charter school program?

Recipients of funds under this program should be aware of the following significant statutory requirements in addition to those in Title V, Part B, Subpart 1 (formerly Title X, Part C), of the ESEA:

(a) The definitions set out in Title IX of ESEA that establishes general provisions for all programs authorized under ESEA.
(b) Title VI of the Civil Rights Act of 1964 that prohibits discrimination on the basis of race, color, and national origin.
(c) Title IX of the Education Amendments of 1972 that prohibits discrimination on the basis of sex.
(d) Section 504 of the Rehabilitation Act of 1973 that prohibits discrimination on the basis of disability.
(e) The Age Discrimination Act of 1975 that prohibits discrimination on the basis of age.
(f) Title II of the Americans with Disabilities Act of 1990 that prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive federal financial assistance.
(g) Part B of the Individuals with Disabilities Education Act (IDEA) that requires states to make available a free appropriate public education (FAPE) to children with disabilities.

(Section A-4; Title V, Part B, Charter School Program: Non-Regulatory Guidance, July 2004)

What qualifications do teachers in charter schools have to meet under federal guidelines?

The federal law provides that a teacher who teaches core academic subjects in a charter school meets the certification requirement if he or she meets the requirements set forth in a state’s charter school law regarding certification or licensure [Section 9101(23)(A)(i)]. Thus, a teacher in a charter school does not have to be licensed or certified by the state if the state’s charter law does not require such licensure or certification. All other elements of the “highly-qualified teacher” requirement apply to charter school teachers in the same way, and on the same timeline, that they apply to teachers in traditional public schools. (Section E-2; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004)
Section 1111(b)(2)(K) of ESEA requires that responsibility for charter school accountability be determined by individual state charter laws. This generally means that the charter authorizer (an entity authorized under this act to review applications, approve or reject applications, enter into charter contracts with applications, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts) bears the responsibility for holding charter schools accountable for Title I, Part A, provisions (including the teacher-quality requirements) unless state law specifically gives the SEA direct responsibility for charter school accountability. It is not expected that the LEA in which the charter school is located be this entity, unless it is also the charter authorizer (E-7; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004).

In general, “highly-qualified teacher” requirements under No Child Left Behind (NCLB) are as follows: Sections 1119(a) and 9101(23) of ESEA, as reauthorized by NCLB, establish requirements for the qualifications of teachers who teach a “core academic subject” (core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography). In general, in order to be considered “highly qualified,” a teacher must:

- Have obtained full state certification as a teacher or passed the state teacher licensing examination and hold a license to teach in the state, and may not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
- Hold a bachelor’s degree.
- Have demonstrated subject-matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by the state.

Under the law, all teachers hired after the first day of the 2002-2003 school year to teach core academic subjects in a program supported with Title I, Part A, funds must be highly qualified. In addition, as a condition of receiving Title I, Part A, funds, each state must ensure that all elementary and secondary school teachers of core academic subjects in the public schools of the state are highly qualified by the end of the 2005-2006 school year. For more information on these requirements:

- Information on additional flexibility available to schools and local educational agencies in meeting these provisions, which is available at: http://www.ed.gov/nclb/methods/teachers/hqtflexibility.html. (Section E-1; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004)

What qualifications do charter school paraprofessionals have to meet?

Paraprofessional aides hired to work in programs supported with Title I, Part A, funds must have a high school diploma or its recognized equivalent. Except for paraprofessionals who act as translators or conduct parent involvement activities, they must also have completed at least two years of study at an institution of higher education, possess at least an associate’s degree, or demonstrate subject-matter competence through a formal state or local assessment [Section 1119(c)-(e)]. Note this requirement applies only to paid paraprofessionals and not to parents or other volunteers.

In addition, the United States Department of Education (USED) regulations clarify that the term “paraprofessional” applies only to individuals who provide instructional support and not to school staff who have only non-instructional duties (e.g., providing technical support for computers, providing personal care services to students, carrying out clerical functions) [34 C.F.R. Section 200.58(a)(2)]. (Section E-3; The Impact of the New Title I Requirements on Charter Schools: Non-
If a charter school does not accept Title I funds, must it comply with requirements for paraprofessionals?

No, these requirements are applicable only to paraprofessionals working in Title I programs. (Section E-5; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004)

Must charter school LEAs reserve a portion of their Title I funds for professional development if they currently meet the “highly-qualified” requirements for charter school teachers and the new requirements for paraprofessionals?

No, Section 1119(1) of ESEA requires all LEAs, including charter school LEAs, to spend between 5 and 10 percent of their Title I allocations on professional development to help all teachers meet the requirements by the end of 2005-2006 school year. If all teachers and paraprofessionals in a charter school LEA have met these requirements, the funds do not need to be reserved for professional development. (Section E-6; The Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance; July, 2004)

If charter school LEAs or other types of special LEAs without geographic boundaries are created, how should the SEA determine the amount of Title II, Part A, funds that these newly created LEAs receive?

The Census Bureau does not collect poverty data for charter school LEAs or other types of LEAs without geographic boundaries (e.g., a regional vocational/technical school with LEA status). As in the case of LEAs with geographic boundaries (see D-5), for each of these “special LEAs” the SEA obtains a best estimate of the numbers of children ages 5-17 and children ages 5-17 from families with incomes below the poverty line for the special LEA and subtracts these counts from each sending LEA.

(With respect to charter schools, Section 76.791(b) of Education Department General Administrative Regulations [EDGAR], which derives from the Charter School Expansion Act of 1998, Pub. L.105-278, specifically provides that “[f]or the year the charter school LEA opens or significantly expands its enrollment, the [SEA’s] eligibility determination may not be based on enrollment or eligibility data from a prior year, even if the SEA makes eligibility determinations for other LEAs under the program based on such data.” Because census poverty data are not available for special LEAs, the SEA must derive an estimate of census poverty children for each special LEA and determine from which LEAs these children came. (Section D-6; The Improving Teacher Quality State Grants: Non-Regulatory Guidance ESEA Title II, Part A Revised; October 5, 2006)

Can charter schools apply for Title II, Part A, funds?

It depends. Those charter schools that are LEAs can apply to their SEA in the same manner as other LEAs. However, those charter schools that are not LEAs cannot apply to the SEA for these funds. They are treated like the other schools within their particular LEA, and teachers and other school staff may participate in program activities on the same basis as personnel in any other school. (Section D-7; The Improving Teacher Quality State Grants: Non-Regulatory Guidance ESEA Title II, Part A Revised; October 5, 2006)

Is a private school eligible to convert to public charter status?

In Section B-8; Title V, Part B, Charter School Program: Non-Regulatory Guidance, July 2004, the statute defines a charter school as a newly created public school or one adapted from an existing
public school. There is no provision or mechanism in the law that recognizes conversions of private schools into public charter schools. On the other hand, the statute does not prevent a newly created public school from using resources previously used by a closed private school or from involving the parents and teachers who may have been involved in the closed private school.

It should be noted, however, that any newly created public school must be just that; it cannot be a continuation of a private school under a different guise. The public charter school must be separate and apart from any private school. It must be established as a public school and comply with applicable state and federal laws regarding public schools. In its creation, development, and operation, the charter school must not have any affiliation “with a sectarian school or religious institution” (§5210(1)(E) of ESEA). Because a newly created public school would not have any "previously enrolled" students, all students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must inform the community of its public school status and have a fair and open admissions process. (Section B-9; Title V, Part B, Charter School Program: Non-Regulatory Guidance, July 2004)

Are public charter schools eligible to participate in the 21st Century Community Learning Centers (CCLC) program?

Yes. Under state law, a public charter school is generally either an LEA or a public charter school within an LEA. As such, public charter schools are eligible to be considered for support on the same basis as other schools or LEAs in the state. Regardless of a charter school’s status as an LEA or a public school, it is eligible to apply for a grant because any public or private entity may apply. Even if a charter school does not apply for or receive a grant, its students may participate in 21st CCLC programs established through an application submitted by other organizations. (Section F-20; 21st Century Community Learning Centers: Non-Regulatory Guidance; February 2003)

Are public charter schools eligible to receive subgrants under Title III?

A public charter school that (1) is an LEA by state law, (2) meets the definition of LEA in Section 9101(6) of NCLB, and (3) meets the requirements of Subpart 1 of Part A of Title III of NCLB could receive a subgrant. For subgrants awarded under Section 3114(a), that would include eligibility under the formula for a subgrant of at least $10,000; for subgrants under 3114(d), a subgrant of sufficient size and scope to support an effective program.

A public charter school that is not an LEA would not be eligible to receive a subgrant, but the charter school may be included in its LEA’s application on the same basis as other public schools in the district. (Section E-3; Implementation of Title III State Formula Grant Program: Non-Regulatory Guidance; 2007)

Are public charter schools required to implement the requirements of the McKinney-Vento Act?

Charter schools that are LEAs or public charter schools within LEAs must implement the requirements of the McKinney-Vento Act just as any other LEA or school to ensure that homeless students have access to a free, appropriate public education and to remove barriers to homeless students’ access to attendance and success. Services include those both for students who become homeless while attending a charter school as well as for homeless students who wish to enroll in a charter school. (Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, Title X, Part C of the NCLB; [42 U.S.C. §11432]; www.ed.gov)
The McKinney-Vento Act includes a number of requirements for LEAs that may contain public charter schools and that also apply to charter schools that are LEAs. These requirements include the following [42 U.S.C. §11432(g)(3)]:

LEAs must:
- Continue a homeless child’s education in the school of origin or enroll a homeless child in any public school that a non-homeless student who lives in the attendance area where the family is temporarily staying can attend, according to the child’s best interest.
- Provide written note to parents or guardians related to the appeal process when the LEA sends the child to a school other than the one that the parents request.
- Enroll a homeless child or youth immediately in school without required records.
- Provide services to homeless students that are comparable to those offered to other students, including transportation if necessary.
- Coordinate with local service agencies or programs that provide services to homeless children and youth.
- Appoint a “local liaison” to ensure services are provided and coordinated.
- Review and revise policies that may act as barriers to the enrollment of homeless children and youth.

All LEAs, and by extension charter school LEAs or public charter schools, are required to collect data on homeless students enrolled in their schools [42 U.S.C. §11432(h)(1)] on an annual basis and submit the data to the ALSDE for the Consolidated State Performance Report (CSPR) due to the U. S. Department of Education each fall. (Information for this FAQ was summarized from a brief prepared by the National Center for Homeless Education: Supporting the Education of Children and Youth Experiencing Homelessness at SERVE; http://www.serve.org/nche; Fall 2013)

May charter schools participate in the Title VI Rural Education Achievement Program (REAP), the Small Rural School Achievement Program (SRSA), and the Rural and Low-Income School Program (RLIS)?
- A charter school’s eligibility for the SRSA program (i.e., REAP-Flex and the SRSA grant program) depends upon whether the charter school is an LEA or a school within an LEA. If a charter school is an LEA, it is eligible to participate in REAP-Flex and receive an allocation under the SRSA grant program so long as it meets the LEA-eligibility criteria. A charter school that is a public school but not an LEA may participate in the program through its LEA, provided the LEA meets the SRSA-eligibility criteria. (Appendix A, Question 8; Guidance on the Rural Education Achievement Program (REAP); June 2003)

- A charter school’s eligibility to participate in the RLIS program depends upon whether the charter school is an LEA or a school within an LEA. If a charter school is an LEA, it is eligible to receive an allocation under the RLIS program so long as it meets the LEA-eligibility criteria. A charter school that is not an LEA may participate in the program through its LEA, provided the LEA meets the RLIS-eligibility criteria. (Appendix E, Question 4; Guidance on the Rural Education Achievement Program (REAP); June 2003)
How is enrollment collected for funding purposes?

Students enrolled in and attending public charter schools shall be included in all enrollment and attendance counts of students of the local school system in which the students reside. Each local education agency (LEA) shall report such enrollment, attendance, and other counts of students to the department in the manner required by the department. A public charter school shall maintain records on all enrolled students utilizing the state-adopted Alabama Student Information System (ASIM). Section 10(a)

How are charter school operations funded – Initial year funding? Section 10(b)(1)

In their initial year, and in subsequent years to accommodate growth as articulated in their application, funding for start-up public charter schools shall be provided from the Education Trust Fund in the Foundation Program appropriation for Current Units. Section 10(b)(1)a

Only start-up public charter schools will be funded out of Current Units for the initial year and this funding mechanism will not apply to conversion public charter schools (SB 179).

The Foundation Program cost per unit for a start-up public charter school is defined as the Foundation Program (including the 10 mill match) less textbooks, divided by the Total Units. This is consistent with current funding procedures for non-charter (traditional) public schools when applying the Current Unit formula.

Start-up public charter schools, start-up LEAs, and existing LEAs will be funded, on an equal basis, out of Current Units. The calculated Foundation Program cost per unit will be applied to each LEA by multiplying the number of additional units calculated for an LEA for the current school year. In the case of a start-up public charter school, the growth or difference in ADM is considered the current year’s ADM at school start-up minus the previous year’s ADM, with the previous year’s ADM equaling zero. The ADM difference for each grade will then be divided by the applicable grade divisor. The total of these calculations in all grades will be the number of calculated units if the total is a positive number. The number of calculated Current Units will be multiplied by the average Foundation Program cost per unit and this will equal the start-up school allocation. (A Guide to State Allocation Calculations).

If a start-up public charter school starts school prior to October 1, it will receive a prorated allocation for the remainder of the fiscal year. The remaining school year October 1-September 30 will be funded out of the current year’s Current Unit allocation using a recalculated per unit amount—this equates to a start-up LEA operating from October 1 – September 30 on the remaining ten months of a 12-month allocation. For example, if school starts in August 2017, the start-up charter would receive a prorated allocation for August and September from the FY17 Current Unit allocation and the remaining ten months would be funding from the FY18 Current Unit allocation. This also assumes that August and September 2017 would not be defined as the initial year but that August 2017 – September 30, 2018 would be defined as the initial year (14 months with 12 months of funding). This is consistent with how non-charter public schools are currently funded.

Current Units will be paid on a monthly basis, with the months of operation prior to October 1 being paid in a lump sum prior to September 30th from the previous year’s allocation. The monthly schedule
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provides funds on a more frequent and regular basis than the stated quarterly schedule, and it is consistent with current Foundation payment schedules currently in place at the Alabama State Department of Education.

<table>
<thead>
<tr>
<th>Act No. 2015-3, Section 10(b)(1)a</th>
<th>SB 179 (Page 13)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In their initial year, and in subsequent years to accommodate growth as articulated in their application, funding for public charter schools shall be provided from the Education Trust Fund in the Foundation Program appropriation for current units.</td>
<td>The above appropriation include funds for start-up public charter schools and start-up LEAs in the first year of operation which shall be funded at the full amount of the average Foundation Program cost per unit. $9,609,561</td>
</tr>
</tbody>
</table>

Below is the preferred method of capturing enrollment and funding start-up charter and conversion schools.

<table>
<thead>
<tr>
<th>Enrollment</th>
<th>Funding Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start-Up Initial Year Funding</td>
<td></td>
</tr>
<tr>
<td>Fully fund all students who are enrolled at the time of school opening – would include any student who was enrolled in a public, private, or home school the previous academic year.</td>
<td>Apply existing Current Unit formula</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Enrollment</th>
<th>Funding Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Year Conversion Funding</td>
<td></td>
</tr>
<tr>
<td>Fully fund all students who are enrolled at the time of school opening – would include any student who was enrolled in a public, private, or home school the previous academic year.</td>
<td>Receive Foundation Program allocation and other public school Education Trust Fund Appropriations. Also eligible to receive Current Units under the current calculation for any growth experienced in ADM from the previous school year.</td>
</tr>
</tbody>
</table>

How are charter school operations funded – Subsequent year funding?

Subsequent year funding for public charter schools shall be based on the Foundation Program allocation and other public school Education Trust Fund Appropriations.

For each of its students, a public charter school shall receive the same amount of local tax revenue, that for the then-current fiscal year, would have otherwise been allocated on behalf of each public charter school student to the local non-charter public school of each student’s residence, excluding those funds already earmarked through a vote of the local school board for debt service, capital expenditures, or transportation. Section 10(b)(1)(c)

The maximum annual local tax allocation forwarded to a start-up public charter school from a local school system shall, for each student, not exceed the per student portion of the state required 10 mill ad valorem match. Section 10(b)(1)e.
How do charter schools provide transportation?
The department shall disburse state transportation funding to a public charter school on the same basis and in the same manner as it is paid to public school systems. **Section 10(b)(5)a.**

A public charter school may enter into a contract with a school system or private provider to provide transportation to the school’s students. **Section 10(b)(5)b.**

Public charter schools that do not provide transportation services shall not be allocated any federal, state, or local funds otherwise earmarked for transportation-related expenses. **Section 10(b)(5)c.**

How are charter school facilities funded?
Public charter schools shall have the same rights and access to Alabama Public School and College Authority (PSCA) funding opportunities as non-charter public schools. **Section 11(a)(1)**

A public charter school shall have a right of first refusal to purchase or lease at or below fair market value a closed or unused public school facility or property located in a school system from which it draws its students if the school system decides to sell or lease the public school facility or property. **Section 11(b)(1)**

The department shall publish the names and addresses of unused facilities on its website in a list that is searchable at least by each facility’s name and address. **Section 11(b)(3)**

What happens to charter school funds and property when a charter school is closed?
In the event of a public charter school closure for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to creditors of the school, and then to the State Treasury to the credit of the Education Trust Fund. If the assets of the school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law. **Section 8(d)(2)**

Can a local school board recover any costs associated with overseeing and authorizing public charter schools?
To cover costs for overseeing and authorizing public charter schools in accordance with this act, a local school board serving as an authorizer may do all of the following:
- Expend its own resources, seek grant funds, and establish partnerships to support its public charter school authorizing activities. **Section 6(h)(1)**
- Charge a portion of annual per student state allocations received by each public charter school it authorizes based on the following schedule: **Section 6(h)(2)**
  a. If the local school board has oversight over one to three, inclusive, public charter schools: Three percent of annual per student state allocations. **Section 6(h)(2)a.**
  b. If the local school board has oversight over four to five, inclusive, public charter schools: Two percent of annual per student state allocations. **Section 6(h)(2)b.**
  c. If the local school board has oversight over six to ten, inclusive, public charter schools: One percent of annual per student state allocations. **Section 6(h)(2)c.**
  d. These funds shall be used to cover the costs for a local school board to provide authorizing services to its public charter schools. **Section 6(h)(2)d.**
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SPECIAL EDUCATION

STUDENTS WITH DISABILITIES ENROLLED IN START-UP PUBLIC CHARTER SCHOOLS

Public charter schools are public schools of choice. Families and community members are welcomed in public charter schools and are treated as partners in their child's education. As public schools, public charter schools are required to enroll and serve students with disabilities in the same manner as traditional public schools. Because public charter schools are designed to offer innovative educational strategies, they are uniquely situated to provide individualized support to meet the needs of students with disabilities and other unique challenges.

Do public charter schools serve students with special needs?
Yes. Public charter schools are tuition-free, public schools that are open to all students. Like all public schools, public charter schools understand their responsibility to serve all students and are committed to serving students with special needs and those who are gifted. In fact, because public charter schools are designed to have more flexibility than traditional public schools, many are uniquely situated to provide innovative, high-quality educational services to students with unique learning needs.

What laws protect the rights of students with disabilities? Do these laws apply to public charter schools?
Two important laws that protect the rights of students are the *Individuals with Disabilities Education Act* (IDEA) and *Section 504 of the Rehabilitation Act of 1973*. Both of these laws apply to all children with disabilities regardless of whether they receive their education at a traditional public school or a public charter school.

What does the *Individuals with Disabilities Education Act* say about public charter schools?
The *Individuals with Disabilities Education Act* (IDEA) states that students who attend public charter schools are protected under this law. IDEA, 34 CFR, § 300.209, refers to public charter schools and their students:

- Students with disabilities in public charter schools and their parents retain all procedural safeguards.
- Public charter schools are included in the local education agency (LEA) definition when established as an LEA by state law.
- Students with disabilities in public charter schools that are part of an LEA must be served in the same manner as that LEA serves students with disabilities in its other schools, including the provision of supplementary and related services at the public charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools. The LEA must also allocate funds to public charter schools on the same basis that it provides funds to its other public schools.
- A public charter school that functions as its own LEA is responsible for ensuring that the requirements of IDEA are met unless state law assigns that responsibility to some other entity.
- The state’s Special Education Advisory Panel (SEAP) must include a public charter school representative.
- The IDEA requires state educational agencies (SEAs) to implement specific procedures, including evaluations for students to determine if they are eligible for special education, to provide
subsequent services, and to re-evaluate eligible students. Under the IDEA, SEAs receive federal grant funds, which are allocated to LEAs to provide special education and related services to students with disabilities. All states are allocated these funds and are required to follow the IDEA mandates.

Can public charter schools waive responsibilities for special education?
No. Public charter schools are public schools and must comply with all federal education laws, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act (ADA). There is no provision to request a waiver from federal requirements pertaining to students with disabilities.

What should I do if my child is struggling at school? Who should I talk to?
If you suspect that your child may have a disability, do not wait. Write down what you know about your child's struggle with learning, request that his/her teachers and other school personnel do the same, and come together to compare notes and discuss next steps.

My child currently attends a public charter school and doesn't have an Individualized Education Program (IEP). How can I request an evaluation for my child?
• Contact your local public charter school administrator (for example, the principal or special education program coordinator).
• Outline your areas of concern about your child's suspected disability and request an evaluation of your child.

Follow-up with a request in order to document timelines. Once the school has received your request for an evaluation, the LEA must consider the request in a timely manner. The process is basically the same in both public charter and traditional public schools. There are 13 disability areas defined in federal code. Each disability area has specific requirements. If a student is evaluated and qualifies for services, an IEP Team is formed and is responsible for developing a program to make sure that it enables the student to be involved in and make progress in the general education curriculum and meet the child's educational needs that result from the child's disability.

Ultimately, your local school district has an obligation to "identify, locate and evaluate" all children with disabilities who may be eligible for special education who live within the district boundaries - not only those attending district schools, but all those who are attending public charter schools, private schools, or homeschools.

Can I expect comparable special education services in a public charter school?
Created as an option to traditional public schools, public charter schools are designed to offer innovative educational strategies. Unique to public charter schools is the flexibility to truly individualize the educational program, or, when appropriate, create specialized programs at the public charter school site. Depending on a student's individual needs, offering appropriate special education services may also result in the public charter school working with a district program, a nonpublic school or agency, or another public charter school to provide a level or type of service that is not available at the individual public charter school site.

Similar to the process for serving students in a traditional public school, the Individualized Education Program Team makes a determination for the most appropriate option based on the needs of the student. Depending on the charter school and the unique needs of the student, these services may
be similar to what is offered at a traditional school, or they may be different. In any case, charter schools are committed to providing quality and compliant special education services that are tailored to meet a student with a disability’s unique needs.

Are there requirements regarding physical accessibility of public charter school facilities?
Yes. Pursuant to both Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA), a local education agency (LEA), including a public charter school functioning as an LEA, may not exclude persons with disabilities, including parents and students, from the benefits of programs and activities offered at the school because of inaccessible facilities.

If my child has an IEP, can I enroll him/her in a public charter school?
Yes. Public charter schools are open to all students, including those with special needs. If you are interested in enrolling in a public charter school, check with the school about the application and enrollment process. Generally, the first step is to turn in a very simple application form. Under state law, if a public charter school receives more applications than it has spaces available, the school must hold a blind lottery. A child with an IEP has the right to participate in the lottery or drawing in the same manner as other students. Some public charter schools may request information about your child’s IEP at the time of enrollment in order for the school to plan how they will meet your child’s needs; however, a public charter school may not refuse to enroll your child based on the existence or contents of the IEP.

Who regulates public charter schools?
Public charter schools are part of our public school system under the Alabama State Department of Education. These schools also have oversight from their local authorizer, which may be the LEA where the public charter school resides or the Alabama Public Charter School Commission.

Are public charter schools responsible for Child Find activities?
Yes. The Individuals with Disabilities Education Act (IDEA) requires each state to “have in effect policies and procedures to ensure that all students with disabilities residing in the state who are in need of special education and related services are identified, located and evaluated.” States develop procedures that their local education agencies (LEAs) must follow to carry out these responsibilities. In the event a public charter school is its own LEA, the school must follow the Alabama procedures just like any other LEA. Public charter schools are responsible for students only when they are actually enrolled in the public charter school. It is clear that all public charter schools must conduct “child find” activities for their full student population so that students who may need special education are appropriately identified and, if necessary, referred for an evaluation.

Are public charter schools responsible for providing related services?
Yes. Public charter schools must provide related services (e.g., speech and language therapy, occupational and/or physical therapy) as determined necessary by the student’s Individualized Education Program (IEP) Team in order for the student to receive a free and appropriate education (FAPE). All related service providers at public charter schools must comply with all professional licensure and certification requirements.