

TO: The Eastern Kentucky University Faculty Senate
FROM: Senator Michael T. Benson
DATE: December 1, 2017
RE: December Campus Report

I apologize for not being with you today, but am with ECU colleagues at the annual SACSCOC meetings in Dallas at which our reaffirmation vote for the University will take place. From all indications, the University appears to be in very good standing and we will report back to campus on the official action once the vote is taken on Tuesday.

With the guidance and support of our faculty and staff, ECU students continue to distinguish themselves on the national stage.

November offered further proof that, given the opportunity, our students can compete favorably with students from any college or university.

One of our DACA students, Omar Salinas Chacon, was named Student of the Year at the recent National Collegiate Honors Council. As many of you know, Eastern routinely leads the way in the number of student presenters at this national event, and Omar is believed to be the only student nationally to participate in a presentation in each of the last four years. In all, 31 students, assisted by their faculty mentors, presented research at this year's Council.

Earlier in the month, junior anthropology major Knate Bartosch became one of only two winners nationally of the 2017 Award for Academic Achievement Abroad, presented by the Forum on Education Abroad. Bartosch, accompanied by Dr. Benjamin Freed, spent last summer studying wild lemurs in Madagascar off the coast of east Africa. He is the first college student from a Kentucky institution to earn this prestigious award and only the second from a regional university since the Forum began in 2004 to recognize two students annually. I had the chance to spend 90 minutes with Knate last week reviewing his research and data logs – as well as seeing videos and photos from his experience last summer – and I was completely bowled over by both the commitment to his work and also the passion he has for this subject. Regardless of what Knate chooses to do in the future, he is destined for success given his work ethic, intelligence, and determination. My sincere congratulations to Knate on this award and thanks to Professor Freed for the role he has played in mentoring Knate and other students.

Then, continuing a long tradition of excellence, our mock trial team captured the title in the Wolverine Classic Invitational at the University of Michigan. Among other schools, this event included the host school, Michigan State University and the University of Illinois. In addition to the team win, three of our students earned Outstanding Witness Awards.

Military veterans from Kentucky and elsewhere have long regarded Eastern as an outstanding option, and we continue to gain national acclaim for our policies, programs and services that help them achieve their educational dreams. Eastern is ranked 14th in the latest Military Times:

Best Colleges survey, up from 17th a year ago. Best of all, we are only school from Kentucky or any adjacent state to crack the top 20.

I encourage you, if you haven't already done so, to stop by the Veterans Memorial between the Powell and Wallace buildings and check out a new feature on its south wall: a sculpture that honors veterans who lost their lives because of their service, but not while in active service. The late Dr. Bob Topmiller, former ECU history professor, was among those honored posthumously during a moving dedication ceremony on Veterans Day. The sculpture, fashioned by a platoon mate of Dr. Topmiller in Vietnam, features the traditional upside-down rifle, boots and helmet, surrounded by a stainless steel sphere that symbolizes that PTSD is not unique to America, but represents the global nature of the problems facing all soldiers after the shooting stops.

Finally, I know many of you have been following the work of the Model Lab School Task Force and have a keen interest in what might happen with this University treasure in the future. I refer you to the FAQs document which was circulated shortly after the Board of Regents met at Model last month. It is attached. We remain committed to ensuring that the current Model student population is moved into the proposed Charter School and are pursuing a legislative solution to the current bill language. This is of paramount importance to us as we continue to investigate the charter option as a way to move Model forward and to secure a more sustainable future.

Thanks very much for your continued service to ECU and best wishes for an enjoyable holiday break and productive and healthy 2018.

EKU Charter School Application FAQs

November 2017

Wednesday, November 15, 2017 the ECU Board of Regents heard the task force recommendations and authorized the University to further explore a public charter school application. There will be a lot of conversation moving forward to determine what is in the best interest of Model Laboratory School, its students and Eastern Kentucky University.

In addition to the public charter school application, the Board of Regents supported the initiation of a comprehensive fund raising campaign for Model. The results of this campaign will support additional programming and student support efforts. ECU's Office of Development and Alumni Relations has been tasked with organizing and supporting the fundraising efforts, with a progress report back to the Board of Regents in 2018.

Below are the most frequent questions since the Board of Regents vote. The answers to these questions reflect the understanding of the taskforce members at the time of publication.

According to HB 520, a "public charter school" is defined as a public school that:

- (1) Is a public body corporate and politic, exercising public power, including the power in name to contract and be contracted with, sue and be sued, and adopt bylaws not inconsistent with this section;
- (2) Has autonomy over decisions, including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction;
- (3) Is governed by an independent board of directors;
- (4) Is established and operating under the terms of a charter contract between the public charter school's board of directors and its authorizer;
- (5) Is a public school to which parents choose to send their children;
- (6) Is a public school that admits students on the basis of a random and open lottery if more students apply for admission than can be accommodated;
- (7) Offers a comprehensive instructional program within a public school district;
- (8) Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and
- (9) Operates under the oversight of its authorizer in accordance with its charter contract.

1. [What happens next? What happens during the application process?](#)

- Conduct an open town hall on Monday, November 27th in the Perkins Building from 6-8pm.
- Engage stakeholder groups in a strategic vision and planning initiative to guide the charter application process and transition.
- Establish a Model Steering Committee and Charter Application Drafting Committee by December 15th.

- These committees will include Model faculty/staff, parent representatives, and ECU faculty/staff.
- Evaluate resources needed to ensure adequate support of the planning, application, and transition phases of the process.
- The Office of Development and Alumni Relations will work to identify a fundraising team and dedicate staffing resources to the Model campaign.
 - Initial planning meeting scheduled for December 1st
- Parent and alumni leaders will be asked to dedicate time and resources to working with the Development team to create a fundraising plan.

2. What is the timeline for application approval?

- Complete a “draft” of the application by February 28th
- Share the draft with stakeholders March 1-16
- Revise draft and review potential application by April 1st
- Finalize statutory changes needed to accommodate currently enrolled Model students by April 15.
- Submit application to Madison County Schools by April 15th.
- If rejected, file an appeal with the Kentucky Board of Education within 30 days.
 - On appeal to the KBE, the standard of review will be whether or not the authorizer’s decision regarding the charter school was “contrary to the best interests of the students or community.”
 - It is the viewpoint of the committee that Model has already demonstrated operation in the best interests of students and the community.
- If KBE recommends approval and Madison County Schools denies a second time, KBE may jointly authorize the charter with Madison County schools.
- It is possible for the approval process to conclude by July 1, 2018. In that case, the initial charter class could begin in Fall 2018 or be delayed to Fall 2019.

3. Will current Model students be guaranteed enrollment in Model as a charter school?

- As the law is currently written, a new charter application would not provide guaranteed enrollment for current Model students.
- A statutory amendment to address this issue is being pursued.
- Additionally, President Benson and Board of Regents have stated that any viable solutions moving forward will require accommodation of existing Model Lab students.
- To that end, if a legislative solution is not recognized, the implementation of the Charter would be delayed or phased in to preserve enrollment for current students.
- Any current Model students who are in-district and wish to maintain enrollment in 2018 will have that opportunity.

4. Will siblings receive priority enrollment?

- Once the charter is in place, siblings will receive priority enrollment
- According to KDE, *“HB 520 requires enrollment preferences for students that attended the school the previous year and for siblings. Returning students are enrolled first and are not required to participate in the lottery. (Section 2)”*

5. Will Model continue to serve students with special needs?

- Yes, Model would continue to serve students with special needs. A public charter “shall not have entrance requirements.”
- According to KDE,
 - *“A public charter school shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability, or any other ground that would be unlawful if done by a public school.” (Section 3)*
 - *Charter schools are NOT exempt from health, safety, civil rights and disability rights requirements in state and federal law. (Section 3).*
 - *Authorizers may give preference to “...applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to...” at risk students and special needs students. (Section 5)*

6. Will students currently on the waiting list receive priority in a lottery for enrollment?

- No, the lottery system for a new charter would not recognize current waitlist placement for priority enrollment.

7. Under the Charter, what entity operates Model and what is the role of ECU?

- Stakeholder feedback clearly indicated that a closer and more collaborative relationship between ECU academic programs and services and Model is necessary to maximize the strengths of both. The comprehensive strategic planning process will research, review and offer strategies to accomplish this goal.
- ECU would maintain operational control of Model and the ECU Board of Regents, with the addition of parent representatives, would act as the governing board. As authorizer, Madison County schools would monitor performance as it pertains to the charter contract. Madison County Schools would not have operational control of the school.
- According to KDE,
 - *“Per its definition, a public charter school has autonomy over decisions, including but not limited to, matters concerning finance, personnel, scheduling, curriculum, and instruction. (HB 520 Section 1.(12)(b)) However, a public charter must: “Ensure students’ participation in the*

required state assessment of student performance, as required under KRS 158.6453.” (Section 3.(3)(g)). The charter is required to report assessment performance to the KBE per HB 520, Section 7.(d)(4).

- *HB 520, while generally exempting charter schools from statutes and regulations, requires adherence to all health, safety, civil rights and disability statutes and regulations (Section 3), all regulations promulgated by the KBE applying to charter schools and all other requirements mandated by HB 520 (Sections 1, 3, 10 and 11). Most importantly, a charter school must adhere to the charter contract with the authorizer. Any charter contract should contain high expectations and accountability requirements for the charter school, including performance reports that must detail how the charter is addressing student achievement. (Section 9)*
- *HB 520 The board of directors of the public charter school shall have final authority over policy and operational decisions of the public charter school, although the decision-making authority may be delegated to the administrators and staff of the school in accordance with the provisions of the charter contract (Section 8).*

8. When will a lottery take place? When will current students know if they will continue to be able to attend Model?

- As stated in Q3 above, any current Model students who are in-district and wish to maintain enrollment in 2018 will have that opportunity.
- It may also be possible for out-of-district students from counties with reciprocal agreements to attend the charter. This is not clear under current regulations so we are asking for additional information regarding this possibility.
- In terms of a statutory changes needed for placement of current Model students in a new charter, answers should be known by the end of the 2018 legislative session, April 2018.

9. Who will be eligible to apply for Model as a charter school?

- All in-district students who opted to apply would be eligible to participate in the lottery process.
- It may also be possible for out-of-district students from counties with reciprocal agreements to attend the charter. This is not clear under current regulations so we are asking for additional information regarding this possibility.
 - According to KDE, *“attendance areas for charter schools are the district boundaries where the charter is located.”*

10. Will these options require tuition in the current or modified form?

- No tuition will be charged for students attending a public charter.
- If a phase out plan is implemented, students attending under the current Model format would continue to pay tuition at rates similar to the current fee structure. The dramatically increased fee structure discussed during previous town halls

related to the implementation of a full private school model. This type of increase would not be necessary during a phase out process. It is possible that tuition would increase incrementally as in previous years to support increased operational costs. This type of plan will be thoroughly vetted over the coming months.

11. How will Model be funded as a charter school? How will the funding change from the current structure?

- Current structure: 1/3 SEEK, 1/3 tuition, 1/3 ECU general fund
- Charter structure: SEEK, Federal, Local, and ECU general fund
 - Exact proportions are not yet determined
 - In early years, the ECU general fund contribution would be used to fund the debt service for a building.
 - Once the charter is fully established, the amount of ECU general fund contribution may decrease.

12. Does the charter school designation take money away from Madison County Schools?

- Local and federal dollars allocated for Model students that are currently maintained by Madison County Schools would be redirected to Model. These are per pupil funds tied to the students served by Model that are not passed on under the current contract.

13. Will enrollment stay the same or increase as a charter school?

- The size of Model as a charter is something that has not yet been determined. The next phase of this process is to engage in strategic planning, which will include determination of the appropriate size for Model.

14. Will transportation be provided as a charter school?

- Transportation arrangements between a charter school and the district are addressed in the legislation.
- According to KDE,
 - “If a local school district provides transportation to students attending a public charter school under terms agreed upon by the local school district and the public charter school in the charter contract, the local school district is not required to transfer transportation funds.”
 - “If a local school district does not provide transportation to students attending a public charter school, proportionate transportation funds must be transferred to the public charter school.”
 - “The amount of funds transferred must be calculated by multiplying the total amount of transportation funds the local school district receives by a fraction, the numerator of which equals the number of students

attending the public charter school who would otherwise be transported by the local school district, and the denominator of which equals the total number of students transported by the local school district.”

15. Will the structure and curriculum at Model change in a charter school designation?

- The structure and curriculum are left to the discretion of the charter school.
- According to KDE, “*Per its definition, a public charter school has autonomy over decisions, including but not limited to, matters concerning finance, personnel, scheduling, curriculum, and instruction.*”
- Structure and curriculum should be further evaluated during the planning phase and appropriate recommendations for change included in the mission, vision, and strategic plan of the school, as well as the application.

16. What is the timeline for construction of a new school? How much will it cost to build a new school?

- The timeline for construction depends on timing of the application and implementation of the charter school. A delayed or phased-in approach will likely delay building a new facility.
- The exact cost for a new building has not been established. Estimates based on previous model put cost at around \$45 Million. The next phase will include building specifications, including location and cost.

17. If the charter school designation is not approved, what happens to Model?

- The ECU administration and Board of Regents will re-evaluate the options available to maintain Model. During the Model Taskforce process, most solutions discussed were not seen as viable options by many of the stakeholders. However, during phase two of the planning process additional alternatives need to be explored and vetted for viability. These options would be presented as alternatives in the event that the charter is not approved.