

HOUSE BILL No. 2652

By Committee on Education

1-18

9 AN ACT relating to charter schools; amending K.S.A. 2005 Supp. 72-
10 1906 and repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 72-1906 is hereby amended to read as
14 follows: 72-1906. (a) The state board of education shall design and pre-
15 scribe the format of a petition for establishment of charter schools. The
16 petition shall be designed in a manner that will provide for inclusion of
17 a description of the key elements of the charter under which the school
18 will be operated. The board of education of a school district may adopt
19 policies and procedures for receiving, reviewing and screening petitions.

20 (b) A petition for the establishment of a charter school may be pre-
21 pared and submitted to the board of education of a school district by or
22 on behalf of a school building or school district employees group, an
23 educational services contractor, or any other person or entity. Any such
24 petition shall be submitted by not later than December 1 of the school
25 year preceding the school year in which the charter school is proposed
26 to be established.

27 (c) The board of education of a school district shall receive and review
28 each petition for establishment or continuation of a charter school and
29 may grant or renew a charter for operation of the school. The charter
30 must contain the following key elements:

31 (1) A description of the educational program of the school, including
32 the facilities that will be used to house the program;

33 (2) a description of the level of interest and support on the part of
34 school district employees, parents, and the community;

35 (3) specification of program goals and the measurable pupil outcomes
36 consonant with achieving the goals;

37 (4) explanation of how pupil performance in achieving the specified
38 outcomes will be measured, evaluated, and reported;

39 (5) the governance structure of the school, including the means of
40 ensuring accountability to the board of education;

41 (6) a description of qualifications to be met by persons employed by
42 the district for assignment to the charter school;

43 (7) procedures that will be followed to ensure the health and safety

- 1 of pupils and staff;
- 2 (8) criteria for admission of pupils, including a description of the lot-
- 3 tery method to be used if too many pupils seek enrollment in the school;
- 4 (9) manner in which annual financial and program audits will be
- 5 conducted;
- 6 (10) pupil suspension and expulsion policies, to the extent there is
- 7 deviation from districtwide policies;
- 8 (11) manner of pupil participation in the Kansas assessment program;
- 9 (12) terms and conditions of employment in the charter school;
- 10 (13) specification of the manner in which contracts of employment
- 11 and status of certificated employees of the district who participate in the
- 12 operation of the school will be dealt with upon nonrenewal or revocation
- 13 of the charter or upon a decision by any such employees to discontinue
- 14 participation in the operation of the school;
- 15 (14) identification of school district policies and state board of edu-
- 16 cation rules and regulations from which waiver is sought in order to fa-
- 17 cilitate operation of the school and explanation of the reasons such waivers
- 18 are being requested;
- 19 (15) the proposed school budget, including an estimate of federal
- 20 funds therefor and how such funds will be utilized; and
- 21 (16) a description of how the budget will be funded if federal funds
- 22 are not available.
- 23 (d) In addition to satisfying a board of education with regard to the
- 24 key elements contained in the charter, a charter school must comply with
- 25 the following requirements in order to qualify for establishment or
- 26 continuation:
- 27 (1) The school must be focused on outcomes or results and must
- 28 participate in the quality performance accreditation process unless a spe-
- 29 cific request documenting the reasons for deviation from the process is
- 30 submitted to and approved by the board of education and the state board
- 31 of education;
- 32 (2) pupils in attendance at the school must be reasonably reflective
- 33 of the racial and socio-economic composition of the school district as a
- 34 whole;
- 35 (3) pupils may not be charged tuition; and
- 36 (4) compliance with applicable health, safety, and access laws must
- 37 be assured.
- 38 (e) If, upon receipt of a petition for establishment or continuation of
- 39 a charter school, a board of education finds the petition to be incomplete,
- 40 the board may request the necessary information from the petitioner.
- 41 After receiving a satisfactory petition, the board of education shall *sched-*
- 42 *ule a public hearing within 45 days and shall* give notice of the time, date
- 43 and place for the holding of a public hearing on the petition ~~and~~. *The*

1 *board* shall rule on the petition within 30 days after the public hearing is
2 held.

3 (1) If the board does not approve the petition, the board shall send
4 a notification of denial to the petitioner and shall specify in writing the
5 reasons therefor. A copy of such notification also shall be sent to the state
6 board of education. Within 30 days from the date of the notification of
7 denial, the ~~petitioner may~~ *petitioner may either* submit a request to the
8 board of education for reconsideration of the petition and may submit an
9 amended petition therewith *or the petitioner may appeal the decision*
10 *pursuant to subsection (e)(3). If a request for reconsideration is made, the*
11 *petitioner may thereafter appeal the decision pursuant to subsection*
12 *(e)(3).* The board shall act on ~~such~~ a request for reconsideration within
13 30 days of receipt of the request.

14 (2) If the board of education approves the petition, the board shall
15 notify the petitioner and the state board of education within 30 days after
16 the approval or by February 1 of the school year preceding the school
17 year in which the charter school is proposed to be established, whichever
18 is earlier.

19 (3) *If the request is denied pursuant to subsection (e)(1), the petitioner*
20 *may appeal such decision to the state board of education. The state board*
21 *of education shall prescribe the procedures for appeals pursuant to this*
22 *subsection.*

23 (f) After being notified by a board of education of the approval of a
24 petition *or after an appeal is taken pursuant to subsection (e)(3)*, the state
25 board shall determine whether the charter school can reasonably be ex-
26 pected to accomplish the program goals such charter school established
27 pursuant to subsection (c). *If the state board finds such charter school is*
28 *likely to achieve such program goals, the state board shall enter an order*
29 *approving the school.* If the state board finds such charter school is not
30 likely to achieve such program goals, the state board shall deny the pe-
31 tition. The state board shall send a notification of denial to the petitioner
32 and the board of education and shall specify the reasons therefor. Within
33 30 days from the date of the notification of denial, the board of education
34 may submit a request to the state board for reconsideration of the petition
35 and the board of education may submit an amended petition therewith.
36 The state board shall act on such request ~~with~~ *within* 60 days of receipt
37 of the request.

38 (g) The state board shall notify boards of education and petitioners
39 for the establishment of a charter school of the approval or disapproval
40 thereof by not later than April 15 of the school year preceding the school
41 year in which the charter school is proposed to be established *or within*
42 *10 days of issuing an order approving such school following an appeal.*

43 (h) If a charter school that has been approved for establishment has

1 sought waiver from any school district policy or state board of education
2 rules and regulations, the board of education of the school district in
3 which the charter school will be established may consider the reasons for
4 which the waivers have been requested. If the board of education deter-
5 mines that the reasons for seeking such waivers are meritorious and le-
6 gitimately related to successful operation of the charter school, the board
7 of education may grant waiver of school district policy and may make
8 application, on behalf of the charter school, to the state board of education
9 for waiver of state board rules and regulations. The state board may con-
10 sider the application for waiver and approve, deny, or amend and approve
11 the application. Upon approval or amendment and approval of the ap-
12 plication, the charter school may operate under the terms and conditions
13 of the waiver. The manner and method of exercising the rights and per-
14 forming the responsibilities, duties and functions provided for under any
15 school district policy or state board rules and regulations that are waived
16 under authority of this subsection shall be prescribed in the charter and
17 governed thereby.

18 *(i) Any charter school approved under this act shall receive from the*
19 *local school board at least the base state aid per pupil plus applicable*
20 *weightings, and other categorical funds attributable to students enrolled*
21 *in the charter school.*

22 Sec. 2. K.S.A. 2005 Supp. 72-1906 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the statute book.