

## SENATE BILL No. 384

By Committee on Education

1-26

1 AN ACT concerning education; relating to public innovative districts;  
2 extending the application deadline to operate as a public innovative  
3 district from December 1 to May 1; deeming applications approved if  
4 not approved or denied within 30 days of submission; amending K.S.A.  
5 72-4223 and 72-4225 and repealing the existing sections.  
6

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

8 Section 1. K.S.A. 72-4223 is hereby amended to read as follows: 72-  
9 4223. (a) Except as provided in K.S.A. 72-4225, and amendments thereto,  
10 the board of education of any school district may apply to the state board  
11 for a grant of authority to operate such school district as a public  
12 innovative district. The application shall be submitted in the form and  
13 manner prescribed by the state board; and ~~shall be submitted~~ not later than  
14 ~~Deeember~~ ~~1~~ May 1 of the school year preceding the school year in which  
15 the school district intends to operate as a public innovative district.

16 (b) The application shall include the following:

17 (1) A description of the educational programs of the public innovative  
18 district;

19 (2) a description of the interest and support for partnerships between  
20 the public innovative district, parents and the community;

21 (3) the specific goals and the measurable pupil outcomes to be  
22 obtained by operating as a public innovative district; and

23 (4) an explanation of how pupil performance in achieving the  
24 specified outcomes will be measured, evaluated and reported.

25 (c) (1) Within ~~90~~ 30 days from the date such application is submitted,  
26 the state board shall review the application to determine compliance with  
27 this section; and ~~shall~~ approve or deny such application on or before the  
28 conclusion of such ~~90-day~~ 30-day period.

29 (2) If the application is determined to be in compliance with this  
30 section, the state board shall approve such application and grant the school  
31 district authority to operate as a public innovative district. Notification of  
32 such approval shall be sent to the board of education of such school district  
33 within 10 days after such decision.

34 (2)(3) If the state board determines such application is not in  
35 compliance with either this section; or K.S.A. 72-4225, and amendments  
36 thereto, the state board shall deny such application. Notification of such

1 denial shall be sent to the board of education of such school district within  
2 10 days after such decision and shall specify the reasons therefor. Within  
3 30 days from the date such notification is sent, the board of education of  
4 such school district may submit a request to the state board for  
5 reconsideration of the application and may submit an amended application  
6 with such request. The state board shall act on the request for  
7 reconsideration within 30 days of receipt of such request.

8       (4) *If the state board does not approve or deny such application  
9 within the 30-day period established in paragraph (1), the application  
10 shall be deemed approved.*

11       (d) A public innovative district shall:

12           (1) Not charge tuition for any of the pupils residing within the public  
13 innovative district;

14           (2) participate in all Kansas math and reading assessments applicable  
15 to such public innovative district, or an alternative assessment program for  
16 measuring student progress as determined by the board of education;

17           (3) abide by all financial and auditing requirements that are  
18 applicable to school districts, except that a public innovative district may  
19 use generally accepted accounting principles;

20           (4) comply with all applicable health, safety and access laws; and

21           (5) comply with all statements set forth in the application submitted  
22 pursuant to subsection (a).

23       (e) (1) Except as otherwise provided in K.S.A. 72-4221 through 72-  
24 4230, and amendments thereto, or as required by the board of education of  
25 the public innovative district, a public innovative district shall be exempt  
26 from all laws and rules and regulations that are applicable to school  
27 districts.

28       (2) A public innovative district shall be subject to the special  
29 education for exceptional children act, the virtual school act, the Kansas  
30 school equity and enhancement act, K.S.A. 72-5131 et seq., and  
31 amendments thereto, the provisions of K.S.A. 72-53,113 et seq., and  
32 amendments thereto, all laws governing the issuance of general obligation  
33 bonds by school districts, the provisions of K.S.A. 74-4901 et seq., and  
34 amendments thereto, and all laws governing the election of members of  
35 the board of education, the open meetings act as provided in K.S.A. 75-  
36 4317 et seq., and amendments thereto, and the open records act as  
37 provided in K.S.A. 45-215 et seq., and amendments thereto.

38       Sec. 2. K.S.A. 72-4225 is hereby amended to read as follows: 72-  
39 4225. (a) Until such time as two or more public innovative districts have  
40 been granted authority to operate as public innovative districts pursuant to  
41 K.S.A. 72-4223, and amendments thereto, any board of education of a  
42 school district desiring to operate as a public innovative district shall  
43 submit a request for approval to operate as a public innovative district to

1 the governor, the chairperson of the senate committee on education and the  
2 chairperson of the house of representatives committee on education and  
3 have such request approved by a majority of the three persons prior to  
4 submitting an application to the state board under K.S.A. 72-4223, and  
5 amendments thereto. The request for approval shall include such  
6 information as is required to be included on an application for authority to  
7 operate as a public innovative district under K.S.A. 72-4223, and  
8 amendments thereto.

9 (b) Upon the approval of the first two public innovative districts, the  
10 board of education of a school district desiring to operate as a public  
11 innovative district shall submit a request for approval to operate as a  
12 public innovative district to the coalition board and have such request  
13 approved by the coalition board prior to submitting any application to the  
14 state board under K.S.A. 72-4223, and amendments thereto. The coalition  
15 board, in its sole discretion, shall approve or deny the request. As part of  
16 its review of such request, the coalition board may make recommendations  
17 to the requesting school district to modify the request; and may consider  
18 any such modifications prior to making a final decision.

19 (c) The request for approval required by subsection (b) shall include  
20 such information as is required to be included on an application for  
21 authority to operate as a public innovative district under K.S.A. 72-4223,  
22 and amendments thereto. Copies of the request for approval shall be  
23 submitted to each public innovative district that is a member of the  
24 coalition. Within 30 days after receipt of the request for approval by the  
25 last member to receive such request, the coalition board shall meet to  
26 approve or deny the request. Notification of the approval or denial of a  
27 request shall be sent to the board of education of the requesting school  
28 district within 10 days after such decision. *If the coalition does not*  
29 *approve or deny such request within 30 days, such request shall be*  
30 *deemed approved.* If the request is denied, the notification shall specify the  
31 reasons therefor. Within 30 days from the date a notification of denial is  
32 sent, the board of education of the requesting school district may submit a  
33 request to the coalition board for reconsideration of the request for  
34 approval and may submit an amended request for approval with the  
35 request for reconsideration. The coalition board shall act on the request for  
36 reconsideration within 30 days of receipt of such request.

37 (d) (1) Except as provided by paragraph (2) of this subsection, ~~no~~ not  
38 more than 10% of the school districts in the state shall operate as public  
39 innovative districts at any one time. Any request for approval submitted at  
40 such time shall be denied by the coalition board.

41 (2) An amount in excess of 10% but not to exceed 20% of school  
42 districts in the state may operate as public innovative districts if such  
43 school district operates a school within its district which is deemed to be

1 either a title I focus school or a title I priority school as described by the  
2 state board under the elementary and secondary education act flexibility  
3 waiver, as amended in January of 2013. Any request for approval under  
4 this paragraph shall be reviewed by the coalition board for approval.

5 Sec. 3. K.S.A. 72-4223 and 72-4225 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its  
7 publication in the Kansas register.