

SENATE BILL No. 165

By Committee on Education

1-30

AN ACT authorizing boards of education of school districts to establish and maintain charter schools; also repealing K.S.A. 2000 Supp. 72-1903, 72-1904, 72-1905, 72-1906, 72-1907, 72-1908, 72-1909 and 72-1910.

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

Section 1. It is the intention of this act to provide an alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by authorizing boards of education of local school districts to establish and maintain charter school programs that operate within a school district structure, but independently from other school programs of the district.

Sec. 2. The board of education of any school district may authorize the establishment of a nonsectarian, outcomes-oriented education program, hereinafter referred to as a local charter school, as a means of providing new opportunities for:

- (a) Improved pupil learning;
- (b) increased learning opportunities for pupils in special areas of emphasis in accord with themes established for charter schools;
- (c) creative and unconventional instructional techniques and structures;
- (d) new professional avenues for teachers who operate such schools or who choose to work in them; and
- (e) freedom from conventional program constraints and mandates.

Sec. 3. (a) The state board of education shall design and prescribe the format of a petition for establishment of local charter schools. The petition shall be designed in a manner that will provide for inclusion of a description of the key elements of the charter under which the school will be operated.

(b) The charter for a local charter school must contain the following key elements:

- (1) A description of the educational program of the school, including the facilities that will be used to house the program;
- (2) specification of program goals and the measurable pupil outcomes consonant with achieving the goals;

1 (3) explanation of how pupil performance in achieving the specific
2 outcomes will be measured, evaluated, and reported;

3 (4) the governance structure of the school;

4 (5) a description of qualifications to be met by persons employed by
5 the district for assignment to the charter school;

6 (6) criteria for admission of pupils, including a description of the lot-
7 tery method to be used if too many pupils seek enrollment in the school;

8 (7) manner in which annual financial and program audits will be
9 conducted;

10 (8) pupil suspension and expulsion policies, to the extent there is
11 deviation from district wide policies;

12 (9) manner of pupil participation in the Kansas assessment program;

13 (10) terms and conditions of employment in the charter school;

14 (11) specification of the manner in which contracts of employment
15 and status of certificated employees of the district who participate in the
16 operation of the school will be dealt with upon nonrenewal or revocation
17 of the charter or upon a decision by any such employees to discontinue
18 participation in the operation of the school; and

19 (12) the proposed budget of the local charter school, including any
20 requests for additional appropriations and justifications for such addi-
21 tional appropriations.

22 (c) In addition, a local charter school must comply with the following
23 requirements in order to qualify for establishment:

24 (1) The school must be focused on outcomes or results and must
25 participate in the quality performance accreditation process unless a spe-
26 cific request documenting the reasons for deviation from the process is
27 submitted to and approved by the board of education and the state board
28 of education;

29 (2) pupils who are residents of the district may not be charged tuition;
30 and

31 (3) compliance with applicable health, safety and access laws must be
32 assured.

33 (d) Except as provided in this act and in its charter, a local charter
34 school shall be exempt from all state laws relating to school districts and
35 boards of education thereof. The board of education shall have the au-
36 thority to take any action with regard to a local charter school unless such
37 action is specifically prohibited by a state or federal law from which the
38 local charter school has no exemption.

39 (e) After the board of education approves the petition, the board shall
40 notify the state board of education. After being notified by a board of
41 education of the approval of a petition, the state board shall determine
42 whether the local charter school is in compliance with applicable state
43 and federal laws and rules and regulations. If the local charter school is

1 found to be in compliance with such laws and rules and regulations, the
2 state board shall approve establishment of the charter school. If the local
3 charter school is not in compliance with such laws and rules and regula-
4 tions, establishment of the school shall not be approved until the state
5 board's objections have been satisfied. The state board shall notify the
6 board of the approval thereof within 60 days of being noticed by the board
7 of education.

8 Sec. 4. Whenever a local charter school has been approved for es-
9 tablishment by the board of education of a school district and the state
10 board of education, no other approval shall be required. The local charter
11 school may continue to operate as a local charter school as long as the
12 school remains accredited. The board of education may revoke the char-
13 ter of the local charter school at any time, and shall revoke the charter of
14 a school if the school:

- 15 (a) Materially violates provisions contained in the charter;
- 16 (b) fails to meet or pursue the educational objectives contained in the
17 charter;
- 18 (c) fails to comply with fiscal accountability procedures as specified
19 in the charter; or
- 20 (d) violates provisions of law.

21 Sec. 5. (a) All employees who are participating in the operation of a
22 local charter school and who qualify for membership in the Kansas public
23 employees retirement system shall be members of the system.

24 (b) All employees of a school district who are participating in the
25 operations of a local charter school and who qualify for health insurance
26 and other fringe benefit programs provided for other school district em-
27 ployees shall be eligible to participate in such programs.

28 (c) No teacher currently teaching in the school district shall be re-
29 quired to accept an assignment to teach in the local charter school. No
30 board shall be required to assign any teacher to a local charter school in
31 the district.

32 (d) Any teacher who has attained the right to procedural protections
33 under the Kansas due process procedures act, K.S.A. 72-5436, *et seq.*,
34 and amendments thereto, shall not forfeit such rights by seeking em-
35 ployment in or accepting assignments to a local charter school in the
36 district.

37 (e) The provisions of K.S.A. 72-5436, *et seq.*, and amendments
38 thereto, shall not apply to any employee of a local charter school, except
39 as provided in subsection (d).

40 (f) To the extent all terms and conditions of employment are not set
41 forth in the charter, the governing authority of the charter school, with
42 the approval of the board of education, shall determine all other terms
43 and conditions of employment for employees in the local charter school.

1 Teachers in local charter schools shall not be part of the bargaining unit
2 in the district for purposes of professional negotiations pursuant to K.S.A.
3 72-5414, *et seq.*, and amendments thereto.

4 Sec. 6. (a) The state board of education shall provide, upon request,
5 any board of education with technical advice and assistance regarding the
6 establishment and operation of a charter school or the preparation of a
7 petition requesting authorization of a board of education for the estab-
8 lishment and operation of such a school.

9 (b) At the conclusion of each school year in which a local charter
10 school is operated in a school district, the board of education of the school
11 district shall evaluate the impact the local charter school has had on the
12 educational system of the district and shall submit the evaluation to the
13 state board of education. The state board shall review, assess and compile
14 the evaluations of local charter schools submitted by boards of education
15 and shall submit the compilation of evaluations and other relevant ma-
16 terial with respect to the operation of each local charter school to the
17 governor and legislature.

18 Sec. 7. Nothing in this act shall be construed or applied in any man-
19 ner so as to abrogate, impair or abridge the terms of any charter executed
20 prior to the effective date of this act, nor shall anything in this act be
21 construed or applied in any manner so as to change or affect the operation
22 and management of any charter school approved and operating prior to
23 the effective date of this act. All such charters and charter schools shall
24 be controlled by the provisions of law in effect at the time of execution
25 and approval, which laws are repealed by this act.

26 Sec. 8. K.S.A. 2000 Supp. 72-1903, 72-1904, 72-1905, 72-1906, 72-
27 1907, 72-1908, 72-1909 and 72-1910 are hereby repealed.

28 Sec. 9. This act shall take effect and be in force from and after its
29 publication in the statute book.

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