

Substitute for HOUSE BILL No. 2558

By Committee on Education

2-16

10 AN ACT relating to charter schools; amending K.S.A. 72-1906, 72-1907
11 and 72-1910 and repealing the existing sections.

12

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) *If the board does not approve the petition, the board shall send a*
4 *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 submit a request to the board of education for*
8 *reconsideration of the petition and may submit an amended petition there-*
9 *with. The board shall act on such request within 30 days of receipt of the*
10 *request.*

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

16 (f) After being notified by a board of education of the approval of a
17 petition, the state board shall determine whether the charter school can
18 reasonably be expected to accomplish the program goals such charter
19 school established pursuant to subsection (c). If the state board finds such
20 charter school is not likely to achieve such program goals, the state board
21 shall deny the petition. *The state board shall send a notification of denial*
22 *to the petitioner and the board of education and shall specify the reasons*
23 *therefor. Within 30 days from the date of the notification of denial, the*
24 *board of education may submit a request to the state board for reconsid-*
25 *eration of the petition and the board of education may submit an amended*
26 *petition therewith. The state board shall act on such request with 60 days*
27 *of receipt of the request.*

28 (g) The state board shall notify boards of education and petitioners
29 for the establishment of a charter school of the approval or disapproval
30 thereof by not later than April 15 of the school year preceding the school
31 year in which the charter school is proposed to be established.

32 (h) If a charter school that has been approved for establishment has
33 sought waiver from any school district policy or state board of education
34 rules and regulations, the board of education of the school district in
35 which the charter school will be established may consider the reasons for
36 which the waivers have been requested. If the board of education deter-
37 mines that the reasons for seeking such waivers are meritorious and le-
38 gitimately related to successful operation of the charter school, the board
39 of education may grant waiver of school district policy and may make
40 application, on behalf of the charter school, to the state board of education
41 for waiver of state board rules and regulations. The state board may con-
42 sider the application for waiver and approve, deny, or amend and approve
43 the application. Upon approval or amendment and approval of the ap-

1 plication, the charter school may operate under the terms and conditions
2 of the waiver. The manner and method of exercising the rights and per-
3 forming the responsibilities, duties and functions provided for under any
4 school district policy or state board rules and regulations that are waived
5 under authority of this subsection shall be prescribed in the charter and
6 governed thereby.

7 Sec. 2. K.S.A. 72-1907 is hereby amended to read as follows: 72-
8 1907. (a) Whenever a charter school has been approved for establishment
9 or continuation by the board of education of a school district and the state
10 board of education *after July 1, 2004*, no other approval shall be required
11 for a period of ~~three~~ *five* school years. The board of education may con-
12 sider renewal of the operational status of the charter school at the con-
13 clusion of ~~such~~: (1) A three-year period ~~and~~, *if the charter was approved*
14 *or renewed prior to July 1, 2004; or (2) a five-year period if the charter*
15 *was approved or renewed after July 1, 2004. The board of education may*
16 *either renew the charter and continue operation of the school, subject to*
17 *approval by the state board of education, or nonrenew the charter and*
18 *discontinue operation of the school.*

19 (b) Renewal of the operational status of the charter school shall be
20 approved only if the charter school has demonstrated progress in achiev-
21 ing the program goals it established pursuant to K.S.A. 72-1906, and
22 amendments thereto. The board of education of a school district shall
23 first determine whether the charter school is demonstrating such pro-
24 gress. If approved by the board of education, the state board shall review
25 such progress and approve or nonrenew the charter or discontinue op-
26 eration of the school.

27 (c) The board of education shall revoke the charter of a school if the
28 school:

- 29 (1) Materially violates provisions contained in the charter;
- 30 (2) fails to make progress in achieving the program goals contained
31 in the charter;
- 32 (3) fails to comply with fiscal accountability procedures as specified
33 in the charter; or
- 34 (4) violates rules and regulations of the state board of education that
35 have not been waived by the state board.

36 (d) Prior to nonrenewing or revoking a charter, a board of education
37 shall hold a hearing on the issues in controversy. Spokespersons for the
38 charter school shall be provided the opportunity to present information
39 refuting the basis upon which the nonrenewal or revocation is premised.
40 At least 30 days notice must be provided to representatives of the charter
41 school prior to the hearing. Within 60 days after the hearing, the board
42 of education shall announce its decision on the nonrenewal or revocation
43 issue. The board may abandon the proposed nonrenewal or revocation,

1 nonrenew or revoke the charter, or continue recognition of the charter
2 contingent upon compliance with specified conditions. The decision of a
3 board of education to nonrenew or revoke a charter *shall be in writing*
4 *to the charter school and shall specify the reasons for the nonrenewal or*
5 *revocation. The decision* is not subject to appeal; however, the charter
6 school authorities may renew procedures for authority to operate a char-
7 ter school, *or within 30 days of the decision, the charter school authorities*
8 *may submit a request to the board of education for the reconsideration of*
9 *its decision and may submit an amended petition therewith. The board*
10 *shall act on such request within 30 days of the request.*

11 Sec. 3. K.S.A. 72-1910 is hereby amended to read as follows: 72-
12 1910. (a) The state board of education shall provide, upon request, any
13 school building or school district employees group, any educational serv-
14 ices contractor, and any other person or entity with technical advice and
15 assistance regarding the establishment and operation of a charter school
16 or the preparation of a petition requesting authorization of a board of
17 education for the establishment and operation of such a school.

18 (b) At the conclusion of each school year in which a charter school is
19 operated in a school district, the board of education of the school district
20 shall evaluate the impact the charter school has had on the educational
21 system of the district and shall submit the evaluation to the state board
22 of education. *If applicable, the evaluation shall include a statement re-*
23 *garding the reasons why a charter school was discontinued or did not*
24 *seek renewal and whether the program will continue as a non-charter*
25 *school.* The state board shall review, assess and compile the evaluations
26 of charter schools submitted by boards of education and shall submit the
27 compilation of evaluations and other relevant material, including speci-
28 fication of school district and state board waivers granted with respect to
29 the operation of each charter school, to the governor and the legislature.

30 Sec. 4. K.S.A. 72-1906, 72-1907 and 72-1910 are hereby repealed.

31 Sec. 5. This act shall take effect and be in force from and after its
32 publication in the statute book.