

CHAPTER 53

Substitute for HOUSE BILL No. 2558

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

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

Section 1. K.S.A. 72-1906 is hereby amended to read as follows: 72-1906. (a) The state board of education shall design and prescribe the format of a petition for establishment of 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. The board of education of a school district may adopt policies and procedures for receiving, reviewing and screening petitions.

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

(c) The board of education of a school district shall receive and review each petition for establishment or continuation of a charter school and may grant or renew a charter for operation of the school. The charter 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) a description of the level of interest and support on the part of school district employees, parents, and the community;

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

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

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

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

(7) procedures that will be followed to ensure the health and safety of pupils and staff;

(8) criteria for admission of pupils, including a description of the lottery method to be used if too many pupils seek enrollment in the school;

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

(10) pupil suspension and expulsion policies, to the extent there is deviation from districtwide policies;

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

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

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

(14) identification of school district policies and state board of education rules and regulations from which waiver is sought in order to facilitate operation of the school and explanation of the reasons such waivers are being requested; ~~and~~

(15) the proposed school budget, *including an estimate of federal funds therefor and how such funds will be utilized; and*

(16) *a description of how the budget will be funded if federal funds are not available.*

(d) In addition to satisfying a board of education with regard to the key elements contained in the charter, a charter school must comply with the following requirements in order to qualify for establishment or continuation:

(1) The school must be focused on outcomes or results and must participate in the quality performance accreditation process unless a specific request documenting the reasons for deviation from the process is submitted to and approved by the board of education and the state board

of education;

(2) pupils in attendance at the school must be reasonably reflective of the racial and socio-economic composition of the school district as a whole;

(3) pupils may not be charged tuition; and

(4) compliance with applicable health, safety, and access laws must be assured.

(e) If, upon receipt of a petition for establishment or continuation of a charter school, a board of education finds the petition to be incomplete, the board may request the necessary information from the petitioner. After receiving a satisfactory petition, the board of education shall give notice of the time, date and place for the holding of a public hearing on the petition and shall rule on the petition within 30 days after the public hearing is held.

(1) *If the board does not approve the petition, the board shall send a notification of denial to the petitioner and shall specify in writing the reasons therefor. A copy of such notification also shall be sent to the state board of education. Within 30 days from the date of the notification of denial, the petitioner may submit a request to the board of education for reconsideration of the petition and may submit an amended petition therewith. The board shall act on such request within 30 days of receipt of the request.*

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

(f) After being notified by a board of education of the approval of a petition, the state board shall determine whether the charter school can reasonably be expected to accomplish the program goals such charter school established pursuant to subsection (c). If the state board finds such charter school is not likely to achieve such program goals, the state board shall deny the petition. *The state board shall send a notification of denial to the petitioner and the board of education and shall specify the reasons therefor. Within 30 days from the date of the notification of denial, the board of education may submit a request to the state board for reconsideration of the petition and the board of education may submit an amended petition therewith. The state board shall act on such request within 60 days of receipt of the request.*

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

(h) If a charter school that has been approved for establishment has sought waiver from any school district policy or state board of education rules and regulations, the board of education of the school district in which the charter school will be established may consider the reasons for which the waivers have been requested. If the board of education determines that the reasons for seeking such waivers are meritorious and legitimately related to successful operation of the charter school, the board of education may grant waiver of school district policy and may make application, on behalf of the charter school, to the state board of education for waiver of state board rules and regulations. The state board may consider the application for waiver and approve, deny, or amend and approve the application. Upon approval or amendment and approval of the application, the charter school may operate under the terms and conditions of the waiver. The manner and method of exercising the rights and performing the responsibilities, duties and functions provided for under any school district policy or state board rules and regulations that are waived under authority of this subsection shall be prescribed in the charter and governed thereby.

Sec. 2. K.S.A. 72-1907 is hereby amended to read as follows: 72-1907. (a) Whenever a charter school has been approved for establishment or continuation by the board of education of a school district and the state board of education *after July 1, 2004*, no other approval shall be required for a period of ~~three~~ *five* school years. The board of education may consider renewal of the operational status of the charter school at the conclusion of ~~such~~: (1) A three-year period ~~and, if the charter was approved or renewed prior to July 1, 2004;~~ or (2) a five-year period if the charter

was approved or renewed after July 1, 2004. The board of education may either renew the charter and continue operation of the school, subject to approval by the state board of education, or nonrenew the charter and discontinue operation of the school.

(b) Renewal of the operational status of the charter school shall be approved only if the charter school has demonstrated progress in achieving the program goals it established pursuant to K.S.A. 72-1906, and amendments thereto. The board of education of a school district shall first determine whether the charter school is demonstrating such progress. If approved by the board of education, the state board shall review such progress and approve or nonrenew the charter or discontinue operation of the school.

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

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

(d) Prior to nonrenewing or revoking a charter, a board of education shall hold a hearing on the issues in controversy. Spokespersons for the charter school shall be provided the opportunity to present information refuting the basis upon which the nonrenewal or revocation is premised. At least 30 days notice must be provided to representatives of the charter school prior to the hearing. Within 60 days after the hearing, the board of education shall announce its decision on the nonrenewal or revocation issue. The board may abandon the proposed nonrenewal or revocation, nonrenew or revoke the charter, or continue recognition of the charter contingent upon compliance with specified conditions. The decision of a board of education to nonrenew or revoke a charter *shall be in writing to the charter school and shall specify the reasons for the nonrenewal or revocation. The decision* is not subject to appeal; however, the charter school authorities may renew procedures for authority to operate a charter school, *or within 30 days of the decision, the charter school authorities may submit a request to the board of education for the reconsideration of its decision and may submit an amended petition therewith. The board shall act on such request within 30 days of the request.*

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

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

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

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