

CORRECTED
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SUPPLEMENTAL NOTE ON SENATE BILL NO. 402

As Amended by House Committee of the Whole

Brief*

SB 402 amends the charter school law. The main purposes of the amendments are to define the term "charter school" in the statute and to impose greater scrutiny on the process involving granting accreditation to, or renewing the charters of, these schools.

The new definition of the term "charter school" is that the school is a separate and distinct school, attendance at which is voluntary, which is established to accomplish one or more of the purposes set forth in the state's charter school law. Each charter school must be accredited by the State Board of Education and may be maintained in a separate facility or in a facility currently being used for a school program if the charter school is operated separately from the other school in the shared facility. A charter school is required to offer a general curriculum appropriate to the grades offered at the school, but could include special programs as part of the curriculum. The school also could be organized around a special emphasis, theme, or concept or use innovative educational methods or practices, or a combination thereof.

With respect to its role in approving charter schools, the State Board of Education would determine whether the school reasonably could be expected to accomplish its program goals. If it could not, the State Board would not approve the petition. Also, the State Board could deny approval of the petition if it contains program goals that may be accomplished without becoming a charter school. This responsibility replaces the requirement that the Board determine whether the charter school is in compliance with state and federal laws and rules and regulations.

The provision is deleted which requires the State Board of Education, when it receives applications for more than 30 charter

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>.

schools that are in compliance with state and federal laws, to select the 30 that have the greatest potential for successful operation. (The law currently contains a limit of 30 on the number of charter schools that may be established.)

The State Board of Education will approve renewal of a charter school if it has demonstrated progress in achieving its program goals. The school district board first determines that progress has been made. If the school is approved by the local school board, the State Board reviews the progress and approves or nonrenews the charter school.

Background

SB 402 was proposed by the Legislative Educational Planning Committee pursuant to the request of the State Board of Education. Amendments adopted by the Senate Committee on Education were further refinements proposed by the State Board of Education.

Conferees included spokespersons for the State Board of Education, Kansas Association of School Boards, and Kansas National Education Association. The Legislative Coordinator for the State Board of Education explained that the bill clarifies the definition of charter school as a separate and distinct school which is subject to State Board accreditation.

The main issue being addressed is that under current law the State Board of Education may not disapprove a charter school if it meets the specific criteria outlined in the law -- principally, that the proposal is in compliance with state and federal laws. In some cases, the State Board has approved a charter school when the Board did not believe the school could accomplish the program goals set forth in the charter. Under the amendments, the State Board could disapprove a charter school that likely would not achieve its program goals. Also, the State Board would be authorized to disapprove a charter school that is requesting renewal if it had not demonstrated progress in student achievement.

The Kansas Association of School Boards expressed support for the bill's provisions, as they do not usurp the authority of local school boards. The Kansas National Education Association supported the bill, except for the proposed removal of the requirement that the State Board of Education determine if the charter school is in compliance with state and federal laws.

The fiscal note reports that the State Board of Education says there would be no additional state appropriations associated with making these changes.

The House Committee on Education amended the bill to permit the State Board of Education to deny a charter school petition if it contains program goals that may be accomplished without establishing a charter school.

The House Committee of the Whole amendment deleted the provision of law which requires the State Board of Education, when it receives applications for more than 30 charter schools that are in compliance with state and federal laws, to select the 30 schools that have the greatest potential for successful operation.