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**Summary of HB 2580**  
**Kansas Public Charter School Act**

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House Bill 2580 creates the Kansas Public Charter School Act (Act). The Act is a complete revision of public charter school laws in Kansas. As a consequence, the bill repeals the existing public charter school laws and proposes to enact a 44 section new act in its place. Under current law the only local school boards are authorized to charter a public charter school. The local school boards are, of course, overseen by the state board of education.

Chartering Oversight

Section 4 of HB 2580 creates the Kansas Public Charter School Commission (Commission). This is a nine-member statewide oversight commission appointed solely by the state board of education. The Commission is responsible for chartering public charter schools, granting chartering authority to eligible authorizers, registering local school boards as authorizers, and resolving disputes between authorizers and public charter schools.

In addition to the Commission, Section 5 provides that local school boards, public and private postsecondary educational institutions, local governments, and nonprofit organizations can all become public charter school authorizers. Local school boards must register pursuant to Section 6 to retain their authorizing powers and duties. All other entities must apply for chartering authority to the Commission pursuant to Section 7.

Authorizers must meet nationally recognized standards for chartering public charter schools. They are also required to submit annual reports to the Commission on the academic and financial performance of the charter schools they authorize. The Commission is responsible for the oversight and performance of public charter school authorizers. Section 28 of the bill requires the Commission to submit an annual report on the state of public charter schools to the Governor and the Legislature.

Section 11 of the bill entitles authorizers, who are not local school boards, to an authorizer fee to cover the expenses of chartering and supervising public charter schools. The fee is not to exceed 1% of the authorizer's state financial aid, which is the state funding the bill distributes to operate and maintain the public charter schools authorized by an entity that is not a local school board.

### Chartering Public Charter Schools

Section 15 of the bill grandfathered in existing public charter schools, provided, the authorizer of the school has chartering authority under the act, and a charter contract is executed. All other public charter schools must submit an application to an authorizer requesting a charter for the school. Each authorizer must follow Sections 16 and 17 in reviewing and evaluating public charter school applications.

If an application is approved, then an initial charter is granted for 5 years, and a charter contract is executed between the authorizer and the public charter school. The charter contract sets out the academic and financial performance standards for the school and dictates the administrative roles and responsibilities of the authorizer and the school. Sections 22 and 23 of the bill provide for how an authorizer is to measure the performance of a public charter school and monitor such school's performance and compliance with the Act.

Section 24 provides that a charter may be renewed for up to 5 years. The renewal process requires the school to submit a renewal application, which is then reviewed by the authorizer. If an authorizer determines a school has failed to comply with the Act, then a charter may be revoked or a renewal application denied. If a charter is revoked, the authorizer must have policies and procedures in place for closure of the school and relocation of the students.

Any decision of an authorizer may be appealed to the Commission by a school. The Commission shall conduct a hearing and review the authorizer's decision pursuant to the Kansas Administrative Procedure Act. The Commission's decision is subject to the Kansas Judicial Review Act.

### Operation of Public Charter Schools

Section 21 provides for how public charter schools may conduct enrollment. Enrollment is to be open to Kansas residents who wish to attend. While enrollment cannot be limited by ethnicity, national origin, religion, gender, income, disability, proficiency in English, or athletic ability, a school may limit admission to a specified age group or grade level, and may be organized around a special theme or emphasis.

If there is insufficient capacity for all students wanting to enroll, then the school must conduct a lottery for admission. However, admission preference shall be given to students enrolled the previous school year and to siblings of students enrolled in the school. Preference may also be given to children of school administrators and faculty, provided the enrollment of such students does not exceed 10% of the total enrollment of the school.

Section 29 provides that public charter schools shall not be subject to those laws, policies and procedures that are applicable to public schools, including the requirement to conduct student assessments. However, public charter schools shall conduct student assessments as required by the charter contract. Additionally, public charter schools shall be subject to all laws regarding civil rights, health and safety and the Kansas Open Meetings and Open Records Acts.

Faculty of a public charter school shall be exempt from all teacher certification requirements and shall not be required to be members of any collective bargaining agreement between a school district and its employees. However, public charter school employees shall be eligible to participate in KPERS, and all other health insurance and benefit programs that are provided to public school employees.

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### Funding of Public Charter Schools

Section 34 of the bill provides that public charter schools shall be funded by receiving an amount equal to the general state aid per pupil and the supplemental state aid per pupil the local school district is entitled to receive. If the authorizer is a school district, then that district's GSA per pupil and SSA per pupil will be multiplied by the total enrollment of the public charter school. The resulting product is the state financial aid of the public charter school.

If the authorizer is not a school district, then the state board of education is required to make a distribution to the school's authorizer in an amount equal to the GSA per pupil and the SSA

per pupil multiplied by the school's total enrollment. In this case the GSA and the SSA shall be that of the resident school district for the pupil. The resident school district is the school district in which the pupil resides and would otherwise be enrolled.

Section 35 provides that public charter school shall also be entitled to receive special education and related services state aid and catastrophic state aid as if the school were a public school district.

For capital improvements, Section 36 of the bill creates the public charter school facility grant program. The Commission will administer a program of awarding grants to public charter schools to financially assist in the renovation of existing facilities, the purchase of new facilities, or the repayment of debt obligations incurred in financing such renovations or purchases. The funding for the grants is to come from private contributions made to the state, which are eligible for a tax credit of up to 100% of the amount of the contribution pursuant to Section 45 of the bill.

Finally, Section 41 of the bill grants public charter schools a right of first refusal to purchase or lease any facility or other real property from a school district. Such right is to purchase or lease the property at or below fair market value.