

SENATE BILL No. 196

By Committee on Ways and Means

2-13

AN ACT concerning public charter schools; creating the Kansas public charter school act; amending K.S.A. 2012 Supp. 72-6407, 79-32, 117 and 79-32, 138 and repealing the existing sections; also repealing K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A. 2012 Supp. 72-1906, 72-1907 and 72-1910.

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

New Section 1. The provisions of sections 1 through 27, and amendments thereto, shall be known and may be cited as the Kansas public charter school act.

New Sec. 2. (a) The legislature hereby finds and declares the following:

(1) The state of Kansas recognizes the establishment of public charter schools as necessary to improving the opportunities of all families to choose the public school that meets the needs of their children, and believes that public charter schools serve a distinct purpose in supporting innovations and best practices that can be adopted among all public schools.

(2) The state of Kansas recognizes that there must be a variety of public institutions that can authorize the establishment of public charter schools as defined by law, and recognizes that independent but publicly accountable multiple authorizing authorities, such as independent state entities or universities, contribute to the health and growth of strong and innovative public charter schools.

(b) The legislature hereby finds and declares that the purpose of this act is to do the following:

(1) Allow the creation of innovative public charter schools which may operate independently of state laws or rules and regulations, other than those specified in this act, deemed by the public charter school authorizer to hinder its goals to achieve at the highest level possible;

(2) establish that existing or new public entities may be created to approve and monitor public charter schools in addition to unified school district school boards; and

(3) remove procedural and funding barriers to public charter school success.

New Sec. 3. As used in sections 1 through 27, and amendments

Proposed Amendments for SB 196  
For Committee on Education  
Re: Special education services payment, clarification  
March 18, 2013  
Prepared by: Eunice Peters  
Office of Revisor of Statutes

Senate Education Committee  
Date 3-19-13  
Attachment 2

1 (e) A public charter school shall be subject to all laws providing for  
2 student health, safety and welfare.

3 (f) A public charter school and the governing boards thereof shall be  
4 subject to the Kansas open meetings act and the Kansas open records act.

5 New Sec. 14. (a) A public charter school shall function as a local  
6 educational agency. A public charter school shall meet all requirements of  
7 local educational agencies under federal law, including all laws pertaining  
8 to special education. A public charter school's status as a local educational  
9 agency shall not preclude such school from contracting with school  
10 districts for services, resources or programs, or from otherwise forming  
11 partnerships with school districts for such services, resources or programs.

12 (b) The identification of special education needs and the provision of  
13 special education services for enrolled students shall be the responsibility  
14 of the public charter school. If a student's individualized education  
15 program team determines that the student's needs cannot be met in the  
16 public charter school and the public charter school cannot provide a free  
17 and appropriate public education to that student, then the school district in  
18 which the student resides shall place the student in accordance with the  
19 individualized education program.

20 New Sec. 15. (a) A public charter school shall have the the following  
21 powers:

22 (1) To receive and disburse funds for school purposes;

23 (2) to secure appropriate insurance and to enter into contracts and  
24 leases, which shall not be subject to prevailing wage laws;

25 (3) to contract with an education service provider for the management  
26 and operation of the public charter school, provided the school's governing  
27 board retains oversight authority over the school;

28 (4) to incur debt in reasonable anticipation of the receipt of public or  
29 private funds;

30 (5) to pledge, assign or encumber its assets to be used as collateral for  
31 loans or extensions of credit;

32 (6) to solicit and accept any gifts or grants for school purposes  
33 subject to all applicable laws and the terms of the charter contract;

34 (7) to acquire real property for use as its facility or facilities, from  
35 public or private sources;

36 (8) to sue and be sued in its own name; and  
37 (9) any other powers the governing board deems necessary to carry  
38 out the duties and functions of the public charter school under the charter  
39 contract, provided such powers are consistent with the provisions of  
40 sections 1 through 27, and amendments thereto.

41 (b) A public charter school shall not discriminate against any person  
42 on the basis of race, creed, color, sex, disability, national origin or any  
43 other category that would be unlawful if done by a public school. A public

The public charter school shall be financially responsible for any special education services provided by the school district in accordance with this subsection.

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