

SENATE BILL No. 196

By Committee on Ways and Means

2-13

Proposed Amendments for SB 196
For Committee on Education
March 18, 2013

Re: **Technical amendments**
Prepared by: Eunice Peters
Office of Revisor of Statutes

1 AN ACT concerning public charter schools; creating the Kansas public
2 charter school act; amending K.S.A. 2012 Supp. 72-6407, 79-32,117
3 and 79-32,138 and repealing the existing sections; also repealing
4 K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A.
5 2012 Supp. 72-1906, 72-1907 and 72-1910.

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

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

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

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

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

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

26 (1) Allow the creation of innovative public charter schools which
27 may operate independently of state laws or rules and regulations, other
28 than those specified in this act, deemed by the public charter school
29 authorizer to hinder its goals to achieve at the highest level possible;
30 (2) establish that existing or new public entities may be created to
31 approve and monitor public charter schools in addition to unified school
32 district school boards; and
33 (3) remove procedural and funding barriers to public charter school
34 success.

35 New Sec. 3. As used in sections 1 through 27, and amendments
36

Technical amendment: Strike

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1 thereto, unless the context requires otherwise:

2 (a) "Department" means the department of education.

3 (b) "Educational management organization" means a partnership,
4 nonprofit or business corporation, or any other association, corporation,
5 trust, or other legal entity that enters into a management agreement with a
6 public charter school.

7 (c) "Governing board" means the independent board of a public
8 charter school that is party to the charter contract with the authorizer and
9 whose members have been elected or selected pursuant to such school's
10 petition.

11 (d) "Local board of education" means a local board of education
12 exercising management and control of a school district pursuant to state
13 law.

14 (e) "Management agreement" means an agreement to provide
15 comprehensive educational, administrative, management, or instructional
16 services or staff to a public charter school.

17 (f) "Postsecondary educational institution" and "private
18 postsecondary educational institution" shall have the same meanings as
19 those terms are defined in K.S.A. 74-3201b, and amendments thereto.

20 (g) "Public charter school" means any school, whether newly
21 established or already existing, including any online school, that is
22 approved by a public charter school authorizer to operate as a public
23 charter school under the provisions of sections 1 through 27, and
24 amendments thereto.

25 (h) "Public charter school applicant" or "applicant" means an eligible
26 person, organization or other entity that seeks approval from a public
27 charter school authorizer to operate a public charter school.

28 (i) "Public charter school authorizer" or "authorizer" means an entity
29 or body established in section 4, and amendments thereto, to approve and
30 oversee public charter schools.

31 (j) "School district" means any unified school district organized and
32 operating under the laws of this state.

33 (k) "State board" means the state board of education created by article
34 6 of the constitution of Kansas.

35 New Sec. 4. (a) Any entity desiring to be a public charter school
36 authorizer may apply to the state board of ~~education~~ for a grant of
37 authority to be an authorizer. The application shall be submitted in the
38 form and manner prescribed by the state board. Such application shall
39 include the following:

40 (1) Notification of intent to serve as a public charter school authorizer
41 in accordance with sections 1 through 27, and amendments thereto;

42 (2) a description of the entity's strategic vision for authorizing public
43 charter schools;

Technical amendment: Strike

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1 (3) a description of the entity's budget, personnel and commitment to
2 execute the duties and functions of authorizing public charter schools;

3 (4) a description of the petition process that the entity, if approved,
4 would use in determining whether to authorize a public charter school;

5 (5) a description of the performance framework that the entity, if
6 approved, would use to guide the formation of a charter contract and for
7 ongoing oversight and evaluation of public charter schools authorized by
8 such entity;

9 (6) a description of the entity's charter renewal, revocation and
10 nonrenewal procedures;

11 (7) a statement of assurance that the entity seeks to serve as an
12 authorizer in fulfillment of the expectations, spirit and intent of sections 1
13 through 26, and amendments thereto; and

14 (8) a statement that the entity will ensure public accountability and
15 transparency in all matters concerning authorizer practices, decisions and
16 expenditures.

17 (b) (1) The state board shall review the application to determine
18 compliance with the provisions of subsection (a). If the application is
19 determined to be in compliance with subsection (a), the state board shall
20 approve the application and grant such entity authority to authorize public
21 charter schools. The state board shall notify the entity of such approval
22 within 30 days following the date the application was submitted.

23 (2) If the state board determines such application is not in compliance
24 with subsection (a), the state board shall deny the application. The state
25 board shall send a notification of denial to the entity and shall specify the
26 reasons therefor. Within 30 days from the date such notification is sent, the
27 entity may submit a request to the state board for reconsideration of the
28 application and may submit an amended application with such request.
29 The state board shall act on the request for reconsideration within 30 days
30 of receipt of the request.

31 (c) The following entities may be granted authority to authorize
32 public charter schools:

33 (1) The state board;

34 (2) the state board of regents established by K.S.A. 74-3202a, and
35 amendments thereto;

36 (3) the governing board of any public or private postsecondary
37 educational institution;

38 (4) the local board of education; and

39 (5) the governing body of any city or county.

40 New Sec. 5. Any local board of education that is operating a public
41 charter school on or before the effective date of this act and intends to
42 continue the operation of such public charter school shall be deemed an
43 authorizer by the state board and shall have the authority to authorize any

Technical amendment: strike
and insert "27"

1 additional public charter schools within the boundaries of the school
2 district governed by such local board of education.

3 New Sec. 6. (a) Within 30 days after an authorizer is approved to
4 authorize public charter schools pursuant to section 4, and amendments
5 thereto, such authorizer and the local board of education of any school
6 district in which such authorizer intends to authorize public charter schools
7 shall enter into an agreement whereby such authorizer shall agree to abide
8 by the provisions of sections 1 through 27, and amendments thereto, and
9 the local board of education shall agree that such authorizer has the
10 authority to authorize public charter schools. Such agreement shall not
11 contain any provision that is in conflict with provisions of sections 1
12 through 27, and amendments thereto. Such agreement shall remain in
13 force and effect for so long as such authorizer is granted the authority to
14 authorize public charter schools.

15 (b) In the event an authorizer desires to authorize a public charter
16 school within the boundaries of a school district other than those districts
17 described in subsection (a), then such authorizer and the local board of
18 education of such school district shall enter into an agreement as described
19 in subsection (a). Such agreement shall be entered into within 30 days
20 from the date such authorizer notifies the local board of education of its
21 intent to authorize a public charter school within the boundaries of such
22 school district.

23 New Sec. 7. (a) Public charter school authorizers shall have the
24 following powers and duties:

25 (1) Soliciting and evaluating public charter school petitions;

26 (2) approving public charter school petitions that meet identified
27 educational needs, promote a diversity of educational choices and satisfy
28 the requirements of sections 1 through 27, and amendments thereto;

29 (3) denying public charter school petitions that fail to satisfy the
30 requirements of sections 1 through 27, and amendments thereto, or the
31 petition criteria established by the authorizer;

32 (4) negotiating and executing charter contracts with each approved
33 public charter school applicant;

34 (5) monitoring, in accordance with charter contract terms, the
35 performance and legal compliance of public charter schools approved by
36 the authorizer; and

37 (6) determining whether each charter contract merits renewal,
38 renewal or revocation.

39 (c) The power of an authorizer to oversee and regulate public charter
40 schools shall be limited to those powers and duties specified in sections 1
41 through 27, and amendments thereto, and shall be consistent with the spirit
42 and intent of sections 1 through 27, and amendments thereto.

43 (d) An authorizer may enter into an agreement with any other person

Technical amendment: strike and insert "nonrenewal"

1 each month of such year. In the event a public charter school fails to open
 2 as provided in the charter contract, the authorizer of such public charter
 3 school shall pay that amount of money advanced to such public charter
 4 school prior to the first day of instruction pursuant to this subsection to the
 5 state board. Upon receipt of such money, the state board shall deposit the
 6 entire amount in the state treasury to the credit of the state school finance
 7 fund.

8 (g) The provisions of this section shall not apply to any public charter
 9 school in operation on or before the effective date of this act, and any such
 10 public charter school shall continue to be funded in the same manner as
 11 such public charter school was funded prior to the effective date of this act.

12 New Sec. 21. (a) Public charter schools shall be entitled to special
 13 education and related services state aid pursuant to K.S.A. 72-978, and
 14 amendments thereto, and catastrophic state aid pursuant to K.S.A. 72-983,
 15 and amendments thereto, as though such public charter school were a
 16 school district.

17 (b) Any state aid paid to a public charter school pursuant to this
 18 section shall be paid in accordance with K.S.A. 72-979, and amendments
 19 thereto.

20 New Sec. 22. (a) Every public charter school shall maintain a system
 21 of accounts, including receipts and expenditures, that is in accordance with
 22 either governmental accounting standards board rules or generally
 23 accepted accounting principles. Each public charter school shall have its
 24 financial records audited annually by an independent auditor. The cost of
 25 the audit shall be borne solely by the public charter school.

26 (b) Within 30 days after receipt of any financial audit report made
 27 pursuant to this section, the public charter school shall submit a copy of
 28 such report, along with any other information provided by the auditor, to
 29 the authorizer of such public charter school.

30 New Sec. 23. Any funds received by a public charter school from any
 31 source and remaining in an account held by the public charter school at the
 32 end of the fiscal year shall remain in such account and be expended by
 33 such public charter school in any subsequent fiscal year.

34 New Sec. 24. Nothing in sections 1 through 27, and amendments
 35 thereto, shall be construed to prohibit any individual or organization from
 36 providing funding or other assistance in establishing or operating a public
 37 charter school. The governing board of a public charter school may accept
 38 gifts, donations and grants of any kind made to the public charter school.
 39 The public charter school shall expend or use such gifts, donations or
 40 grants in accordance with the conditions prescribed by the donor, provided
 41 that no gift, donation or grant may be accepted and expended if subject to
 42 a condition that is in direct conflict with any provision of law or term of
 43 the charter contract.

Technical amendment: insert "district"

