

SENATE BILL No. 402

AN ACT concerning charter schools; amending K.S.A. 2001 Supp. 72-1903, 72-1904, 72-1906 and 72-1907 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 72-1905.

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

New Section 1. (a) The state board of education may adopt rules and regulations to:

- (1) Administer the provisions of K.S.A. 2001 Supp. 72-1903 *et. seq.*, and amendments thereto;
- (2) require periodic reports from charter schools; and
- (3) establish additional criteria for evaluating and approving charter schools.

(b) Charter schools approved on or before July 1, 2002, are not required to comply with rules and regulations adopted pursuant to subsection (a) until the charter of such school expires.

Sec. 2. K.S.A. 2001 Supp. 72-1903 is hereby amended to read as follows: 72-1903. (a) It is the intention of ~~this act~~ *article 19 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto*, to provide an alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by offering opportunities for school building or school district employees groups, educational services contractors, and other persons or entities to establish and maintain charter ~~school programs~~ *schools* that operate within a school district structure, but independently from other ~~school programs~~ *schools* of the district.

(b) *As used in article 19 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, "charter school" means a separate and distinct school, attendance at which is voluntary, which is established to accomplish one or more of the purposes set forth in article 19 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Each charter school shall be subject to accreditation requirements of the state board of education and must be accredited to maintain its charter. A charter school may be maintained in a separate facility or in an existing school facility if the charter school is operated separately from the other school in the shared facility. Each charter school shall offer a general curriculum appropriate to the grades offered at the charter school, but may include one or more special programs as part of its curriculum. A charter school also may be organized around a special emphasis, theme or concept or utilize innovative educational methods or practices, or a combination of these.*

Sec. 3. K.S.A. 2001 Supp. 72-1904 is hereby amended to read as follows: 72-1904. The board of education of any school district may authorize the establishment of a nonsectarian, ~~outcomes-oriented educational program, hereinafter referred to as a~~ charter school; as a means of providing new opportunities for:

- (a) Improved pupil learning;
- (b) increased learning opportunities for pupils in special areas of emphasis in accord with themes established for charter schools;
- (c) creative and unconventional instructional techniques and structures;
- (d) new professional vistas for teachers who operate such schools or who choose to work in them; and
- (e) freedom from conventional program constraints and mandates.

Sec. 4. K.S.A. 2001 Supp. 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.

(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. 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 ~~is in compliance with applicable state and federal laws and rules and regulations. If the charter school is found to be in compliance with such laws and rules and regulations, the state board shall approve establishment of the charter school. If the charter school is not in compliance with such laws and rules and regulations, establishment of the school shall not be~~

~~approved until the state board's objections have been satisfied. 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 not approve the petition.~~

~~(g) If the state board receives notification of the approval of petitions by boards of education for establishment of more than 30 charter schools that are found to be in compliance with applicable state and federal laws and rules and regulations, the state board shall select and approve establishment of the 30 charter schools deemed to possess the greatest potential for successful operation. 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 1 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. 5. K.S.A. 2001 Supp. 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, no other approval shall be required for a period of three school years. The board of education may consider renewal of the operational status of the charter school at the conclusion of such three-year period and 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. 2001 Supp. 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 meet or pursue to make progress in achieving the educational objectives 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 is not subject to appeal; however, the charter school authorities may renew procedures for authority to operate a charter school.

Sec. 6. K.S.A. 2001 Supp. 72-1903, 72-1904, 72-1905, 72-1906 and 72-1907 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.