

HOUSE BILL No. 2320

By Committee on Taxation

2-13

Proposed Amendments for HB 2320

For Committee on Education

Re: Payment to school district if student transfers after Sept. 20

March 13, 2013

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

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

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

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

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

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

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

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

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

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

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

1 (2) the public charter school fails to improve in the percentage of high
2 school graduates of such public charter school that have enlisted in
3 military service or completed a postsecondary educational certificate
4 program or degree program as determined by the national student
5 clearinghouse, or other postsecondary educational program completion
6 database utilized by such public charter school;

7 (3) a serious violation of law by the public charter school or any
8 officer, director or administrator thereof,
9 (4) a material and substantial violation of the charter contract,
10 including fiscal mismanagement; or
11 (5) a determination that the public charter school demonstrates a
12 practice and pattern of egregious and intentional violations of any
13 provision of law from which the public charter school is not exempted.

14 (b) Notice of an authorizer's intent to revoke a public charter shall be
15 provided to the governing board of a public charter school at least 30 days
16 prior to the effective date of the proposed revocation. Such notice shall
17 include a statement of reasons for the proposed revocation. The public
18 charter school shall be allowed at least 30 days to correct the problems
19 associated with the proposed revocation. Prior to revocation of the charter,
20 a public charter school shall be provided an opportunity to be heard,
21 consistent with the requirements of due process. Upon the termination of a
22 charter, the public charter school shall proceed with dissolution pursuant to
23 the procedures contained in the charter contract and at the direction of the
24 public charter authorizer.

25 (c) In addition, the public charter school authorizer may place a
26 charter school on probationary status to allow the implementation of a
27 remedial action plan. The failure of a public charter school to comply with
28 the terms and conditions of a remedial action plan may result in summary
29 revocation of the school's charter contract.

30 (d) If a charter contract is not renewed or is terminated, the public
31 charter school shall be liable for all debts of such public charter school.

32 New Sec. 20. (a) Each authorizer shall certify under oath to the state
33 board a report showing the total enrollment of all of the public charter
34 schools under the oversight of such authorizer. Such report shall be
35 prepared and submitted in accordance with K.S.A. 72-6419, and
36 amendments thereto.

37 (b) (1) For a public charter school authorized by a school district, the
38 school district shall pay to the public charter school an amount equal to the
39 total enrollment of the public charter school multiplied by the general state
40 aid per pupil plus the supplemental general state aid per pupil received by
41 the school district pursuant to K.S.A. 72-6405 et seq., and amendments
42 thereto.

43 (2) For a public charter school authorized by the authorizing association

1 pursuant to K.S.A. 72-6405 et seq., and amendments thereto, a school
2 district shall continue to count any student attending a public charter
3 school authorized by such school district as a pupil of the school district.

4 (c) (1) For each student enrolled in a public charter school authorized
5 by an authorizer other than a school district, the state board shall distribute
6 an amount equal to the general state aid per pupil plus the supplemental
7 general state aid per pupil such student's resident school district would
8 otherwise be entitled to receive if such student were enrolled in the
9 resident school district pursuant to K.S.A. 72-6405 et seq., and
10 amendments thereto, to the authorizer of the public charter school where
11 such student is enrolled. The authorizer shall pay to each public charter
12 school under its oversight an amount equal to the distribution received by
13 such authorizer from the state board based on the enrollment of such
14 public charter school.

15 (2) For purposes of this subsection and for calculating enrollment
16 pursuant to K.S.A. 72-6405 et seq., and amendments thereto, a resident
17 school district shall not count any student attending a public charter school
18 as a pupil of such resident school district.

19 (3) For purposes of this subsection, "resident school district" means
20 the school district in which the student resides and would otherwise be
21 enrolled if the student were not enrolled in a public charter school.

22 (d) Distributions made by the state board pursuant to subsection (c)
23 shall be made at the same time as general state aid distributions and shall
24 be made in accordance with the provisions of K.S.A. 72-6417, and
25 amendments thereto.

26 (e) Except as otherwise provided in subsection (f), payments by
27 authorizers required by this section shall be made in 12 substantially equal
28 payments on the first day of each month. If any authorizer fails to make a
29 payment required by this section, the state board shall deduct the amount
30 of such underpayment from the amount to be distributed to the authorizer
31 and shall pay such amount directly to the public charter school that is
32 entitled to receive such funds.

33 (f) Amounts payable to a public charter school during its first year of
34 operations shall be based on first year enrollment projections as
35 established in the charter contract. Such projections shall be reconciled
36 with the actual enrollment of the public charter school and any necessary
37 adjustments shall be made to the payments made to the public charter
38 school during the remainder of the first year of operation. At least 90 days
39 prior to the first day of instruction, a public charter school shall receive an
40 amount equal to $\frac{1}{3}$ of the aggregate amount of funds such public charter
41 school is entitled to receive under this section based on first year
42 enrollment projections. The remaining $\frac{2}{3}$ of the aggregate amount of such
43 funds shall be paid in 12 substantially equal payments on the first day of

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 (e) 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

Technical amendment: insert "district"

(g) If a student transfers from the public charter school to a school district and enrolls in such school district after September 20 of the current school year, the authorizer shall direct payment in a prorated amount to the public charter school and the school district based on such student's attendance. The prorated amount to the school district shall be considered a donation and shall be paid to the school district in accordance with K.S.A. 72-8210, and amendments thereto, to provide for the education of such student.
 (h)