

HOUSE BILL No. 2320

By Committee on Taxation

2-13

Proposed Amendments for HB 2320

For Committee on Education

Re: Special education services payment, clarification

March 13, 2013

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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 (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

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