

HOUSE BILL No. 2386

By Committee on Education

2-14

AN ACT concerning charter schools; amending K.S.A. 72-1903, 72-1904, 72-1906, 72-1907, 72-1909 and 72-1910 and repealing the existing sections.

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

Section 1. K.S.A. 72-1903 is hereby amended to read as follows: 72-1903. ~~(a)~~ It is the intention of 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~~ *authorizing boards of education of local school districts* to establish and maintain charter schools that operate within a school district structure, but independently from other 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. 2. K.S.A. 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, *local* charter school as a means of providing new opportunities for:

- (a) Improved pupil learning;

1 (b) increased learning opportunities for pupils in special areas of em-
2 phasis in accord with themes established for charter schools;

3 (c) creative and unconventional instructional techniques and
4 structures;

5 (d) new professional ~~vistas~~ *avenues* for teachers who operate such
6 schools or who choose to work in them; and

7 (e) freedom from conventional program constraints and mandates.

8 Sec. 3. K.S.A. 72-1906 is hereby amended to read as follows: 72-
9 1906. (a) The state board of education shall design and prescribe the
10 format of a petition for establishment of *local* charter schools. The petition
11 shall be designed in a manner that will provide for inclusion of a descrip-
12 tion of the key elements of the charter under which the school will be
13 operated. ~~The board of education of a school district may adopt policies~~
14 ~~and procedures for receiving, reviewing and screening petitions.~~

15 ~~—(b) A petition for the establishment of a charter school may be pre-~~
16 ~~pared and submitted to the board of education of a school district by or~~
17 ~~on behalf of a school building or school district employees group, an~~
18 ~~educational services contractor, or any other person or entity. Any such~~
19 ~~petition shall be submitted by not later than December 1 of the school~~
20 ~~year preceding the school year in which the charter school is proposed~~
21 ~~to be established.~~

22 ~~—(c) The board of education of a school district shall receive and review~~
23 ~~each petition for establishment or continuation of a charter school and~~
24 ~~may grant or renew a charter for operation of the school.~~

25 (b) The charter *for a local charter school* must contain the following
26 key elements:

27 (1) A description of the educational program of the school, including
28 the facilities that will be used to house the program;

29 ~~(2) a description of the level of interest and support on the part of~~
30 ~~school district employees, parents, and the community;~~

31 ~~—(3) specification of program goals and the measurable pupil outcomes~~
32 ~~consonant with achieving the goals;~~

33 ~~(4) (3) explanation of how pupil performance in achieving the spec-~~
34 ~~ified outcomes will be measured, evaluated, and reported;~~

35 ~~(5) (4) the governance structure of the school, including the means~~
36 ~~of ensuring accountability to the board of education;~~

37 ~~(6) (5) a description of qualifications to be met by persons employed~~
38 ~~by the district for assignment to the charter school;~~

39 ~~(7) procedures that will be followed to ensure the health and safety~~
40 ~~of pupils and staff;~~

41 ~~(8) (6) criteria for admission of pupils, including a description of the~~
42 ~~lottery method to be used if too many pupils seek enrollment in the~~
43 ~~school;~~

1 ~~(9)~~ (7) manner in which annual financial and program audits will be
2 conducted;

3 ~~(10)~~ (8) pupil suspension and expulsion policies, to the extent there
4 is deviation from districtwide policies;

5 ~~(11)~~ (9) manner of pupil participation in the Kansas assessment
6 program;

7 ~~(12)~~ (10) terms and conditions of employment in the charter school;

8 ~~(13)~~ (11) specification of the manner in which contracts of employ-
9 ment and status of certificated employees of the district who participate
10 in the operation of the school will be dealt with upon nonrenewal or
11 revocation of the charter or upon a decision by any such employees to
12 discontinue participation in the operation of the school; *and*

13 ~~(14)~~ identification of school district policies and state board of edu-
14 cation rules and regulations from which waiver is sought in order to fa-
15 cilitate operation of the school and explanation of the reasons such waivers
16 are being requested; *and*

17 ~~(15)~~ (12) the proposed school budget of the local charter school, in-
18 cluding any requests for additional appropriations and justifications for
19 such additional appropriations.

20 ~~(d)~~ (c) In addition to satisfying a board of education with regard to
21 the key elements contained in the charter, a charter school must comply
22 with the following requirements in order to qualify for establishment ~~or~~
23 ~~continuation~~:

24 (1) The school must be focused on outcomes or results and must
25 participate in the quality performance accreditation process unless a spe-
26 cific request documenting the reasons for deviation from the process is
27 submitted to and approved by the board of education and the state board
28 of education;

29 (2) pupils in attendance at the school must be reasonably reflective
30 of the racial and socio-economic composition of the school district as a
31 whole;

32 (3) pupils *who are residents of the districts* may not be charged tui-
33 tion; and

34 (4) compliance with applicable health, safety, and access laws must
35 be assured.

36 (d) *Except as provided in K.S.A. 72-1903 et seq., and amendments*
37 *thereto, and in its charter, a local charter school shall be exempt from all*
38 *state laws relating to school districts and boards of education thereof. The*
39 *board of education shall have the authority to take any action with regard*
40 *to a local charter school unless such action is specifically prohibited by a*
41 *state or federal law from which the local charter school has no exemption.*

42 (e) ~~If, upon receipt of a petition for establishment or continuation of~~
43 ~~a charter school, a board of education finds the petition to be incomplete,~~

1 ~~the board may request the necessary information from the petitioner.~~
2 ~~After receiving a satisfactory petition, the board of education shall give~~
3 ~~notice of the time, date and place for the holding of a public hearing on~~
4 ~~the petition and shall rule on the petition within 30 days after the public~~
5 ~~hearing is held. If~~ After the board of education approves the petition, the
6 board shall notify the petitioner and the state board of education within
7 30 days after the approval or by February 1 of the school year preceding
8 the school year in which the charter school is proposed to be established,
9 whichever is earlier.

10 (f) After being notified by a board of education of the approval of a
11 petition, the state board shall determine whether the *local* charter school
12 can reasonably be expected to accomplish the program goals such charter
13 school established pursuant to subsection (c). If the state board finds such
14 charter school is not likely to achieve such program goals, the state board
15 shall not approve the petition.

16 ~~—(g) The state board shall notify boards of education and petitioners~~
17 ~~for the establishment of a charter school of the approval or disapproval~~
18 ~~thereof by not later than April 1 of the school year preceding the school~~
19 ~~year in which the charter school is proposed to be established.~~

20 ~~—(h) If a charter school that has been approved for establishment has~~
21 ~~sought waiver from any school district policy or state board of education~~
22 ~~rules and regulations, the board of education of the school district in~~
23 ~~which the charter school will be established may consider the reasons for~~
24 ~~which the waivers have been requested. If the board of education deter-~~
25 ~~mines that the reasons for seeking such waivers are meritorious and le-~~
26 ~~gitimately related to successful operation of the charter school, the board~~
27 ~~of education may grant waiver of school district policy and may make~~
28 ~~application, on behalf of the charter school, to the state board of education~~
29 ~~for waiver of state board rules and regulations. The state board may con-~~
30 ~~sider the application for waiver and approve, deny, or amend and approve~~
31 ~~the application. Upon approval or amendment and approval of the ap-~~
32 ~~plication, the charter school may operate under the terms and conditions~~
33 ~~of the waiver. The manner and method of exercising the rights and per-~~
34 ~~forming the responsibilities, duties and functions provided for under any~~
35 ~~school district policy or state board rules and regulations that are waived~~
36 ~~under authority of this subsection shall be prescribed in the charter and~~
37 ~~governed thereby is in compliance with applicable state and federal laws~~
38 ~~and rules and regulations. If the local charter school is found to be in~~
39 ~~compliance with such laws and rules and regulations, the state board shall~~
40 ~~approve establishment of the charter school. If the local charter school is~~
41 ~~not in compliance with such laws and rules and regulations, establishment~~
42 ~~of the school shall not be approved until the state board's objections have~~
43 ~~been satisfied. The state board shall notify the board of the approval~~

1 *thereof within 60 days of receiving the petition from the board of*
2 *education.*

3 Sec. 4. K.S.A. 72-1907 is hereby amended to read as follows: 72-
4 1907. (a) Whenever a *local* charter school has been approved for estab-
5 lishment ~~or continuation~~ by the board of education of a school district
6 and the state board of education, no other approval shall be required ~~for~~
7 ~~a period of three school years. The board of education may consider~~
8 ~~renewal of the operational status of the charter school at the conclusion~~
9 ~~of such three-year period and may either renew the charter and continue~~
10 ~~operation of the school, subject to approval by the state board of educa-~~
11 ~~tion, or nonrenew the charter and discontinue operation of the school.~~
12 *The local charter school may continue to operate as a local charter school*
13 *as long as the school remains accredited.*

14 ~~(b) Renewal of the operational status of the charter school shall be~~
15 ~~approved only if the charter school has demonstrated progress in achiev-~~
16 ~~ing the program goals it established pursuant to K.S.A. 72-1906, and~~
17 ~~amendments thereto. The board of education of a school district shall~~
18 ~~first determine whether the charter school is demonstrating such pro-~~
19 ~~gress. If approved by the board of education, the state board shall review~~
20 ~~such progress and approve or nonrenew the charter or discontinue op-~~
21 ~~eration of the school.~~

22 ~~—(c) (b) The board of education may revoke the charter of the local~~
23 ~~charter school at any time, and shall revoke the charter of a school if the~~
24 ~~school:~~

- 25 (1) ~~Materially violates provisions contained in the charter;~~
26 (2) ~~fails to make progress in achieving the program goals meet or~~
27 ~~pursue the educational objectives contained in the charter;~~
28 (3) ~~fails to comply with fiscal accountability procedures as specified~~
29 ~~in the charter; or~~
30 (4) ~~violates rules and regulations of the state board of education that~~
31 ~~have not been waived by the state board provisions of law.~~

32 ~~(d) Prior to nonrenewing or revoking a charter, a board of education~~
33 ~~shall hold a hearing on the issues in controversy. Spokespersons for the~~
34 ~~charter school shall be provided the opportunity to present information~~
35 ~~refuting the basis upon which the nonrenewal or revocation is premised.~~
36 ~~At least 30 days notice must be provided to representatives of the charter~~
37 ~~school prior to the hearing. Within 60 days after the hearing, the board~~
38 ~~of education shall announce its decision on the nonrenewal or revocation~~
39 ~~issue. The board may abandon the proposed nonrenewal or revocation,~~
40 ~~nonrenew or revoke the charter, or continue recognition of the charter~~
41 ~~contingent upon compliance with specified conditions. The decision of a~~
42 ~~board of education to nonrenew or revoke a charter is not subject to~~
43 ~~appeal; however, the charter school authorities may renew procedures for~~

1 ~~authority to operate a charter school.~~

2 Sec. 5. K.S.A. 72-1909 is hereby amended to read as follows: 72-
3 1909. (a) All employees who are participating in the operation of a *local*
4 charter school and who qualify for membership in the Kansas public em-
5 ployees retirement system shall be members of the system.

6 (b) All employees of a school district who are participating in the
7 operation of a *local* charter school and who qualify for health insurance
8 and other fringe benefit programs provided for other school district em-
9 ployees shall be eligible to participate in such programs.

10 (c) *No teacher currently teaching in the school district shall be re-*
11 *quired to accept an assignment to teach in the local charter school. No*
12 *board shall be required to assign any teacher to a local charter school in*
13 *the district.*

14 (d) *Any teacher who has attained the right to procedural protections*
15 *under K.S.A. 72-5436, et seq., and amendments thereto, shall not forfeit*
16 *such rights by seeking employment in or accepting assignments to a local*
17 *charter school in the district.*

18 (e) *The provisions of K.S.A. 72-5436, et seq., and amendments*
19 *thereto, shall not apply to any employee of a local charter school, except*
20 *as provided in subsection (d).*

21 (f) *To the extent all terms and conditions of employment are not set*
22 *forth in the charter, the governing authority of the local charter school,*
23 *with the approval of the board of education, shall determine all other*
24 *terms and conditions of employment for employees in the local charter*
25 *school. Teachers in local charter schools shall not be part of the bargaining*
26 *unit in the district for purposes of professional negotiations pursuant to*
27 *K.S.A. 72-5414, et seq., and amendments thereto.*

28 Sec. 6. K.S.A. 72-1910 is hereby amended to read as follows: 72-
29 1910. (a) The state board of education shall provide, upon request, any
30 ~~school building or school district employees group, any educational serv-~~
31 ~~ices contractor, and any other person or entity~~ *board of education* with
32 technical advice and assistance regarding the establishment and operation
33 of a *local* charter school or the preparation of a petition requesting au-
34 thorization of a board of education for the establishment and operation
35 of such a school.

36 (b) At the conclusion of each school year in which a *local* charter
37 school is operated in a school district, the board of education of the school
38 district shall evaluate the impact the *local* charter school has had on the
39 educational system of the district and shall submit the evaluation to the
40 state board of education. The state board shall review, assess and compile
41 the evaluations of *local* charter schools submitted by boards of education
42 and shall submit the compilation of evaluations and other relevant ma-
43 ~~terial, including specification of school district and state board waivers~~

1 ~~granted~~ with respect to the operation of each *local* charter school, to the
2 governor and the legislature.

3 New Sec. 7. Nothing in this act shall be construed or applied in any
4 manner so as to abrogate, impair or abridge the terms of any charter
5 executed prior to the effective date of this act, nor shall anything in this
6 act be construed or applied in any manner so as to change or affect the
7 operation and management of any charter school approved and operating
8 prior to the effective date of this act. All such charters and charter schools
9 shall be controlled by the provisions of law in effect at the time of exe-
10 cution and approval.

11 Sec. 8. K.S.A. 72-1903, 72-1904, 72-1906, 72-1907, 72-1909 and 72-
12 1910 are hereby repealed.

13 Sec. 9. This act shall take effect and be in force from and after its
14 publication in the statute book.

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