

HOUSE BILL No. 2389

By Committee on Education

2-5

9 AN ACT concerning school districts; relating to charter schools; amend-
10 ing K.S.A. 2006 Supp. 72-1906 and 72-1907 and repealing the existing
11 sections.
12

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

14 New Section 1. If the final decision of the board of education is to
15 not approve a petition submitted under K.S.A. 72-1906, and amendments
16 thereto, or to revoke or not renew a charter under K.S.A. 72-1907, and
17 amendments thereto, the petitioner or charter school authorities may
18 appeal the decision to the state board of education within 30 days after
19 receipt of the decision by filing a notice of appeal with the state board of
20 education and the board of education of the district. Within 30 days after
21 receipt of the notice of appeal, the state board shall schedule an appeal
22 hearing. The hearing shall be held within 30 days after receipt of the
23 notice of appeal. The hearing shall be conducted at a location in the
24 affected school district. The state board shall render its decision on the
25 appeal within 60 days after the conclusion of the hearing. If the state
26 board finds that the petition reflects a clear understanding of the source
27 of low pupil performance, identifies specific solutions including a staff
28 development plan and contains an appropriate evaluation plan and that
29 the decision of the board of education of the district denying the petition
30 was contrary to the best interests of the pupils, school district or com-
31 munity, the state board shall issue an order to the board of education
32 with instruction to the board to approve the petition and establish the
33 charter school or renew the charter of the school.

34 Sec. 2. K.S.A. 2006 Supp. 72-1906 is hereby amended to read as
35 follows: 72-1906. (a) The state board of education shall design and pre-
36 scribe the format of a petition for establishment of charter schools. The
37 petition shall be designed in a manner that will provide for inclusion of
38 a description of the key elements of the charter under which the school
39 will be operated. The board of education of a school district may adopt
40 policies and procedures for receiving, reviewing and screening petitions.

41 (b) A petition for the establishment of a charter school may be pre-
42 pared and submitted to the board of education of a school district by or
43 on behalf of a school building or school district employees group, an

1 educational services contractor, or any other person or entity. Any such
2 petition shall be submitted by not later than December 1 of the school
3 year preceding the school year in which the charter school is proposed
4 to be established.

5 (c) The board of education of a school district shall receive and review
6 each petition for establishment or continuation of a charter school and
7 may grant or renew a charter for operation of the school. The charter
8 must contain the following key elements:

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

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

13 (3) specification of program goals and the measurable pupil outcomes
14 consonant with achieving the goals;

15 (4) explanation of how pupil performance in achieving the specified
16 outcomes will be measured, evaluated, and reported;

17 (5) the governance structure of the school, including the means of
18 ensuring accountability to the board of education;

19 (6) a description of qualifications to be met by persons employed by
20 the district for assignment to the charter school;

21 (7) procedures that will be followed to ensure the health and safety
22 of pupils and staff;

23 (8) criteria for admission of pupils, including a description of the lot-
24 tery method to be used if too many pupils seek enrollment in the school;

25 (9) manner in which annual financial and program audits will be
26 conducted;

27 (10) pupil suspension and expulsion policies, to the extent there is
28 deviation from districtwide policies;

29 (11) manner of pupil participation in the Kansas assessment program;

30 (12) terms and conditions of employment in the charter school;

31 (13) specification of the manner in which contracts of employment
32 and status of certificated employees of the district who participate in the
33 operation of the school will be dealt with upon nonrenewal or revocation
34 of the charter or upon a decision by any such employees to discontinue
35 participation in the operation of the school;

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

40 (15) the proposed school budget, including an estimate of federal
41 funds therefor and how such funds will be utilized; and

42 (16) a description of how the budget will be funded if federal funds
43 are not available.

1 (d) In addition to satisfying a board of education with regard to the
2 key elements contained in the charter, a charter school must comply with
3 the following requirements in order to qualify for establishment or
4 continuation:

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

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

13 (3) pupils may not be charged tuition; and

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

16 (e) If, upon receipt of a petition for establishment or continuation of
17 a charter school, a board of education finds the petition to be incomplete,
18 the board may request the necessary information from the petitioner.
19 After receiving a satisfactory petition, the board of education shall give
20 notice of the time, date and place for the holding of a public hearing on
21 the petition and shall rule on the petition within 30 days after the public
22 hearing is held.

23 (1) If the board does not approve the petition, the board shall send
24 a notification of denial to the petitioner and shall specify in writing the
25 reasons therefor. A copy of such notification also shall be sent to the state
26 board of education. Within 30 days from the date of the notification of
27 denial, the petitioner may submit a request to the board of education for
28 reconsideration of the petition and may submit an amended petition
29 therewith. The board shall act on such request within 30 days of receipt
30 of the request.

31 (2) If the board of education approves the petition, the board shall
32 notify the petitioner and the state board of education within 30 days after
33 the approval or by February 1 of the school year preceding the school
34 year in which the charter school is proposed to be established, whichever
35 is earlier.

36 (f) After being notified by a board of education of the approval of a
37 petition, the state board shall determine whether the charter school can
38 reasonably be expected to accomplish the program goals such charter
39 school established pursuant to subsection (c). If the state board finds such
40 charter school is not likely to achieve such program goals, the state board
41 shall deny the petition. The state board shall send a notification of denial
42 to the petitioner and the board of education and shall specify the reasons
43 therefor. Within 30 days from the date of the notification of denial, the

1 board of education may submit a request to the state board for reconsid-
2 eration of the petition and the board of education may submit an
3 amended petition therewith. The state board shall act on such request
4 ~~with~~ *within* 60 days of receipt of the request.

5 (g) The state board shall notify boards of education and petitioners
6 for the establishment of a charter school of the approval or disapproval
7 thereof by not later than April 15 of the school year preceding the school
8 year in which the charter school is proposed to be established.

9 (h) If a charter school that has been approved for establishment has
10 sought waiver from any school district policy or state board of education
11 rules and regulations, the board of education of the school district in
12 which the charter school will be established may consider the reasons for
13 which the waivers have been requested. If the board of education deter-
14 mines that the reasons for seeking such waivers are meritorious and le-
15 gitimately related to successful operation of the charter school, the board
16 of education may grant waiver of school district policy and may make
17 application, on behalf of the charter school, to the state board of education
18 for waiver of state board rules and regulations. The state board may con-
19 sider the application for waiver and approve, deny, or amend and approve
20 the application. Upon approval or amendment and approval of the ap-
21 plication, the charter school may operate under the terms and conditions
22 of the waiver. The manner and method of exercising the rights and per-
23 forming the responsibilities, duties and functions provided for under any
24 school district policy or state board rules and regulations that are waived
25 under authority of this subsection shall be prescribed in the charter and
26 governed thereby.

27 Sec. 3. K.S.A. 2006 Supp. 72-1907 is hereby amended to read as
28 follows: 72-1907. (a) Whenever a charter school has been approved for
29 establishment or continuation by the board of education of a school dis-
30 trict and the state board of education after July 1, 2004, no other approval
31 shall be required for a period of five school years. The board of education
32 may consider renewal of the operational status of the charter school at
33 the conclusion of: (1) A three-year period, if the charter was approved or
34 renewed prior to July 1, 2004; or (2) a five-year period if the charter was
35 approved or renewed after July 1, 2004. The board of education may
36 either renew the charter and continue operation of the school, subject to
37 approval by the state board of education, or nonrenew the charter and
38 discontinue operation of the school.

39 (b) Renewal of the operational status of the charter school shall be
40 approved only if the charter school has demonstrated progress in achiev-
41 ing the program goals it established pursuant to K.S.A. 72-1906, and
42 amendments thereto. The board of education of a school district shall
43 first determine whether the charter school is demonstrating such pro-

1 gress. If approved by the board of education, the state board shall review
2 such progress and approve or nonrenew the charter or discontinue op-
3 eration of the school.

4 (c) The board of education shall revoke the charter of a school if the
5 school:

- 6 (1) Materially violates provisions contained in the charter;
- 7 (2) fails to make progress in achieving the program goals contained
8 in the charter;
- 9 (3) fails to comply with fiscal accountability procedures as specified
10 in the charter; or
- 11 (4) violates rules and regulations of the state board of education that
12 have not been waived by the state board.

13 (d) Prior to nonrenewing or revoking a charter, a board of education
14 shall hold a hearing on the issues in controversy. Spokespersons for the
15 charter school shall be provided the opportunity to present information
16 refuting the basis upon which the nonrenewal or revocation is premised.
17 At least 30 days notice must be provided to representatives of the charter
18 school prior to the hearing. Within 60 days after the hearing, the board
19 of education shall announce its decision on the nonrenewal or revocation
20 issue. The board may abandon the proposed nonrenewal or revocation,
21 nonrenew or revoke the charter, or continue recognition of the charter
22 contingent upon compliance with specified conditions. The decision of a
23 board of education to nonrenew or revoke a charter shall be in writing to
24 the charter school and shall specify the reasons for the nonrenewal or
25 revocation.

26 ~~(e) The decision is not subject to appeal, however,~~ The charter school
27 authorities may renew procedures for authority to operate a charter
28 school, or within 30 days of the decision *rendered under this section*, the
29 charter school authorities may submit a request to the board of education
30 for the reconsideration of its decision and may submit an amended pe-
31 tition therewith. The board shall act on such request within 30 days of
32 the request. *In addition the charter school authority may appeal the de-*
33 *cision to the state board of education in the manner provided by section*
34 *1, and amendments thereto.*

35 Sec. 4. K.S.A. 2006 Supp. 72-1906 and 72-1907 are hereby repealed.

36 Sec. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.