

**HOUSE BILL No. 2302**

By Committee on Education

2-11

1 AN ACT concerning schools; relating to charter schools; amending  
2 K.S.A. 2010 Supp. 72-1906 and repealing the existing section.

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

5 Section 1. K.S.A. 2010 Supp. 72-1906 is hereby amended to read as  
6 follows: 72-1906. (a) The state board of education shall design and  
7 prescribe the format of a petition for establishment of charter schools.  
8 The petition shall be designed in a manner that will provide for inclusion  
9 of a description of the key elements of the charter under which the school  
10 will be operated. The board of education of a school district may adopt  
11 policies and procedures for receiving, reviewing and screening petitions.

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

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

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

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

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

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

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

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

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

1 (8) criteria for admission of pupils, including a description of the  
2 lottery method to be used if too many pupils seek enrollment in the  
3 school;

4 (9) manner in which annual financial and program audits will be  
5 conducted;

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

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

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

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

16 (14) identification of school district policies and state board of  
17 education rules and regulations from which waiver is sought in order to  
18 facilitate operation of the school and explanation of the reasons such  
19 waivers are being requested;

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

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

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

28 (1) The school must be focused on outcomes or results and must  
29 participate in the quality performance accreditation process unless a  
30 specific request documenting the reasons for deviation from the process  
31 is submitted to and approved by the board of education and the state  
32 board of education;

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

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

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

39 (e) If, upon receipt of a petition for establishment or continuation of  
40 a charter school, a board of education finds the petition to be incomplete,  
41 the board may request the necessary information from the petitioner.  
42 After receiving a satisfactory petition, the board of education shall  
43 *schedule a public hearing within 45 days and shall give notice of the*

1 time, date and place for the holding of a public hearing on the petition  
2 ~~and~~. *The board shall rule on the petition within 30 days after the public*  
3 *hearing is held.*

4 (1) If the board does not approve the petition, the board shall send a  
5 notification of denial to the petitioner and shall specify in writing the  
6 reasons therefor. A copy of such notification also shall be sent to the state  
7 board of education. Within 30 days from the date of the notification of  
8 denial, the ~~petition~~ *petitioner may either* submit a request to the board of  
9 education for reconsideration of the petition and may submit an amended  
10 petition therewith, *or the petitioner may appeal the decision pursuant to*  
11 *subsection (e)(3). If a request for reconsideration is made, the petitioner*  
12 *may thereafter appeal the decision pursuant to subsection (e)(3).* The  
13 board shall act on ~~such~~ a request for reconsideration within 30 days of  
14 receipt of the request.

15 (2) If the board of education approves the petition, the board shall  
16 notify the petitioner and the state board of education within 30 days after  
17 the approval or by February 1 of the school year preceding the school  
18 year in which the charter school is proposed to be established, whichever  
19 is earlier.

20 (3) *If the request is denied pursuant to subsection (e)(1), the*  
21 *petitioner may appeal such decision to the state board of education. The*  
22 *state board of education shall prescribe the procedures for appeals*  
23 *pursuant to this subsection.*

24 (f) After being notified by a board of education of the approval of a  
25 petition *or after an appeal is taken pursuant to subsection (e)(3),* the state  
26 board shall determine whether the charter school can reasonably be  
27 expected to accomplish the program goals such charter school established  
28 pursuant to subsection (c). *If the state board finds such charter school is*  
29 *likely to achieve such program goals, the state board shall enter an order*  
30 *approving the school.* If the state board finds such charter school is not  
31 likely to achieve such program goals, the state board shall deny the  
32 petition. The state board shall send a notification of denial to the  
33 petitioner and the board of education and shall specify the reasons  
34 therefor. Within 30 days from the date of the notification of denial, the  
35 board of education may submit a request to the state board for  
36 reconsideration of the petition and the board of education may submit an  
37 amended petition therewith. The state board shall act on such request ~~with~~  
38 ~~[within]~~ *within* 60 days of receipt of the request.

39 (g) The state board shall notify boards of education and petitioners  
40 for the establishment of a charter school of the approval or disapproval  
41 thereof by not later than April 15 of the school year preceding the school  
42 year in which the charter school is proposed to be established *or within*  
43 *10 days of issuing an order approving such school following an appeal.*

1 (h) If a charter school that has been approved for establishment has  
2 sought waiver from any school district policy or state board of education  
3 rules and regulations, the board of education of the school district in  
4 which the charter school will be established may consider the reasons for  
5 which the waivers have been requested. If the board of education  
6 determines that the reasons for seeking such waivers are meritorious and  
7 legitimately related to successful operation of the charter school, the  
8 board of education may grant waiver of school district policy and may  
9 make application, on behalf of the charter school, to the state board of  
10 education for waiver of state board rules and regulations. The state board  
11 may consider the application for waiver and approve, deny, or amend and  
12 approve the application. Upon approval or amendment and approval of  
13 the application, the charter school may operate under the terms and  
14 conditions of the waiver. The manner and method of exercising the rights  
15 and performing the responsibilities, duties and functions provided for  
16 under any school district policy or state board rules and regulations that  
17 are waived under authority of this subsection shall be prescribed in the  
18 charter and governed thereby.

19 (i) *Any charter school approved under this act shall receive from the*  
20 *local school board at least the base state aid per pupil plus applicable*  
21 *weightings, and other categorical funds attributable to students enrolled*  
22 *in the charter school.*

23 Sec. 2. K.S.A. 2010 Supp. 72-1906 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.  
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