

HOUSE BILL No. 2375

By Committee on Appropriations

3-9

1 AN ACT concerning school districts; relating to school accountability
2 and parental choice; creating the Kansas school accountability act;
3 creating the Kansas opportunity scholarship act; creating the Kansas
4 tax credit scholarship act; authorizing the establishment of charter
5 technical career centers; amending K.S.A. 72-1903 and repealing the
6 existing section.

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

9 New Section 1. The provisions of sections 1 through 12, and
10 amendments thereto, shall be known and may be cited as the Kansas
11 school accountability act.

12 New Sec. 2. As used in sections 1 through 12, and amendments
13 thereto, unless the context requires otherwise:

14 (a) "At-risk student" means: (1) Pupils who are enrolled in grades
15 below fourth grade and who are eligible for free meals under the national
16 school lunch act and who are enrolled in a district which maintains an
17 approved at-risk pupil assistance plan; or (2) pupils who are enrolled in
18 any of the grades four through 12 and who scored less than proficient on
19 the most recent mathematics or reading state assessments administered to
20 the pupil and who are enrolled in a district which maintains an approved
21 at-risk pupil assistance plan.

22 (b) "Board of education" or "board" means the board of education or
23 other governing body of a school district.

24 (c) "Controlled open enrollment" means a system of school
25 assignment that allows school districts to make student school
26 assignments using parents' indicated preferential school choice as a
27 significant factor.

28 (d) "Department" means the department of education.

29 (e) "School" means a school operated by a unified school district
30 organized under the laws of this state.

31 (f) "School district" or "district" means any unified school district
32 organized and operating under the laws of this state.

33 (g) "State board" means the state board of education created by
34 article 6 of the constitution of Kansas.

35 New Sec. 3. (a) The purpose this section is to:

1 (1) Provide parents with specific information about their child's
2 educational progress;

3 (2) provide parents with comprehensive information about their
4 choices and opportunities for involvement in their child's education; and

5 (3) provide a framework for building and strengthening partnerships
6 among parents, teachers, principals, superintendents and other school
7 district personnel.

8 (b) Each board of education, superintendent and teacher shall fully
9 support and cooperate in implementing a well-planned, inclusive and
10 comprehensive program to assist parents and families in effectively
11 participating in their child's education.

12 (c) To facilitate meaningful parent and family involvement, the
13 department shall develop guidelines for a parent guide to successful
14 student achievement which describes what parents need to know about
15 their child's educational progress and how such parents can help their
16 child to succeed in school. Such guidelines shall include, but are not be
17 limited to:

18 (1) Parental information regarding:

19 (A) Requirements for their child to be promoted to the next grade;

20 (B) progress of their child toward achieving state and school district
21 expectations for academic proficiency;

22 (C) assessment results, including report cards and progress reports;

23 (D) qualifications of their child's teachers; and

24 (E) school entry requirements, including required immunizations and
25 the recommended immunization schedule;

26 (2) services available for parents and their children, such as:

27 (A) Mentoring, tutorial and other academic reinforcement programs;

28 (B) college planning, academic advisement and student counseling
29 services; and

30 (C) after-school programs;

31 (3) opportunities for parental participation, such as parenting classes,
32 adult education and school volunteer programs;

33 (4) opportunities for parents to learn about rigorous academic
34 programs that may be available for their child, such as honors programs,
35 dual enrollment and advanced placement;

36 (5) educational choices and scholarship opportunities;

37 (6) classroom and test accommodations available for students with
38 disabilities;

39 (7) board policies and procedures for student promotion and
40 retention, academic standards, student assessment, courses of study,
41 instructional materials and contact information for school and school
42 district offices; and

43 (8) resources for information on student health and other available

1 resources for parents.

2 (d) The department shall develop and disseminate a checklist for
3 school districts to provide to parents to assist with the parent's
4 involvement in their child's educational progress. The checklist shall be
5 provided each school year to all parents of students in kindergarten and
6 grades one through 12. The checklist shall address parental actions that:

7 (1) Strengthen the child's academic progress, especially in the area of
8 reading;

9 (2) strengthen the child's citizenship, especially social skills and
10 respect for others;

11 (3) strengthen the child's realization of high expectations and setting
12 lifelong learning goals; and

13 (4) place a strong emphasis on the communication between the
14 school and the home.

15 (e) The department shall establish a parent-response center to
16 provide assistance to parents and families in answering questions and
17 resolving issues related to the child's education.

18 (f) Each board of education shall adopt policies and procedures that
19 strengthen family involvement and family empowerment. Each school
20 district shall submit a copy of such policies and procedures to the state
21 board by October 1. Such policies and procedures shall be developed in
22 collaboration with parents, school administrators, teachers and
23 community partners, and shall address:

24 (1) Parental choices and responsibilities;

25 (2) links with community services;

26 (3) opportunities for parental involvement in the development,
27 implementation and evaluation of family involvement programs; and

28 (4) opportunities for parents to participate in school volunteer
29 programs and other activities.

30 (g) Each school district shall develop and disseminate a parent guide
31 to successful student achievement, consistent with the guidelines of the
32 department, which addresses what parents need to know about their
33 child's educational progress and how parents can help their child to
34 succeed in school. Such guide shall:

35 (1) Be understandable to students and parents;

36 (2) be distributed to all parents, students and school district
37 personnel at the beginning of each school year;

38 (3) be discussed at the beginning of each school year in meetings of
39 students, parents and teachers;

40 (4) include information concerning services, opportunities, choices,
41 academic standards and student assessment; and

42 (5) provide information on the importance of student health and
43 available immunizations and vaccinations, including, but not limited to, a

1 recommended immunization schedule in accordance with United States
2 centers for disease control and prevention recommendations.

3 (h) The state board shall annually review each school district's
4 compliance with this section and the school district's success in achieving
5 improved services for families. The state board shall use all appropriate
6 enforcement actions, as provided in section 6, and amendments thereto,
7 until the school district fully complies with the requirements of this
8 section.

9 New Sec. 4. (a) The rights of students and their parents with
10 respect to education records created, maintained or used by the state
11 board, the department or any school district shall be protected in
12 accordance with the family educational rights and privacy act (FERPA),
13 20 U.S.C. § 1232g, the implementing regulations issued pursuant thereto,
14 and this section. The state board shall adopt rules and regulations
15 concerning the rights of students and parents to education records,
16 including, but not limited to:

17 (1) The right of students and their parents to access the student's
18 education records, including the right to inspect and review such records;

19 (2) the right of students and their parents to waive access to the
20 student's education records in certain circumstances;

21 (3) the right of students and their parents to challenge the content of
22 education records in order to ensure that the records are not inaccurate,
23 misleading or otherwise a violation of privacy or other rights;

24 (4) the right of students and their parents to privacy with respect to
25 such records and reports; and

26 (5) providing notice to the students and their parents of their rights
27 with respect to education records.

28 (b) The state board shall monitor the FERPA and notify the
29 legislature of any significant change to the requirements of the FERPA or
30 other major changes in federal law which may impact this section.

31 (c) If any official or employee of the state board, the department or
32 any school district refuses to comply with this section, the aggrieved
33 parent or student may bring an action in district court to enforce such
34 parent's or student's rights, and may seek appropriate relief, including, but
35 limited to, injunctive relief. Any aggrieved parent or student who is on
36 the prevailing side in such an action may be awarded reasonable
37 attorney's fees and costs of the action.

38 New Sec. 5. (a) Each board of education may offer a controlled
39 open enrollment program within its schools. The controlled open
40 enrollment program shall be offered in addition to any existing school
41 options such as virtual schools, magnet schools, alternative schools,
42 advanced placement and dual enrollment.

43 (b) Each board that offers a controlled open enrollment program

1 shall develop a controlled open enrollment plan which describes the
2 implementation of its controlled open enrollment program. Plans shall be
3 submitted to the state board. Each school district shall develop a system
4 of priorities for its plan that includes consideration of the following:

5 (1) An application process required to participate in the controlled
6 open enrollment program;

7 (2) a process that allows parents to declare school preferences;

8 (3) a process that encourages placement of siblings within the same
9 school;

10 (4) a lottery procedure used by the school district to determine
11 student assignment;

12 (5) an appeals process for hardship cases;

13 (6) procedures to maintain socioeconomic, demographic and racial
14 balance;

15 (7) availability of transportation;

16 (8) a process that promotes strong parental involvement, including
17 the designation of a parent liaison; and

18 (9) a strategy that establishes a clearinghouse of information
19 designed to assist parents in making informed choices.

20 (c) Each board shall annually prepare and submit to the state board a
21 report on the number of students applying for and attending the various
22 types of schools of choice in the district, including schools such as virtual
23 schools, magnet schools and public charter schools, according to rules
24 and regulations adopted by the state board. The state board shall annually
25 prepare a report on the status of school choice and deliver such report to
26 the governor and the legislature on or before January 14.

27 New Sec. 6. (a) The state board shall oversee the performance of
28 school districts in the enforcement of all laws and policies and
29 procedures. The board of education shall be primarily responsible for
30 each school district's compliance with all laws and policies and
31 procedures.

32 (b) In order to ensure compliance with all laws and policies and
33 procedures, the state board shall have the authority to request and receive
34 information, data and reports from school districts as requested by the
35 state board. Superintendents shall be responsible for the accuracy of any
36 information and data reported to the state board.

37 (c) The state board may direct the department to investigate
38 allegations of noncompliance and determine whether there is probable
39 cause that a violation has occurred. The department shall report any
40 determination of probable cause to the state board. The state board shall
41 require the board of education of such school district to document
42 compliance with any laws and policies and procedures the school district
43 is alleged to have violated.

1 (d) If the board cannot satisfactorily document compliance, the state
2 board may order compliance within a specified period of time. If the
3 state board determines that a board of education is unwilling or unable to
4 comply within the specified time period, the state board shall have the
5 authority to initiate any of the following actions:

6 (1) Report to the legislature that such school district has been
7 unwilling or unable to comply with such laws or policies and procedures
8 as determined pursuant to subsection (c) and recommend action to be
9 taken by the legislature;

10 (2) withhold the transfer of general or supplemental state aid until
11 such school district complies with such laws or policies and procedures;
12 or

13 (3) require monthly or periodic reporting on the situation related to
14 noncompliance until it is remedied.

15 (e) Nothing in this section shall be construed to create a private
16 cause of action or create any rights for individuals or entities in addition
17 to those provided by law.

18 New Sec. 7. (a) The state board shall hold all school districts and
19 schools accountable for student performance. In accordance with the
20 provisions of this act, the state board shall develop and maintain a system
21 of school improvement and education accountability that assesses student
22 performance by school, identifies schools in which students are not
23 making adequate progress toward state standards and institutes
24 appropriate measures for enforcing improvement. The system of school
25 improvement and education accountability shall provide for uniform
26 accountability standards, provide assistance of escalating intensity to low-
27 performing schools, direct support to schools in order to improve and
28 sustain performance, focus on the performance of student subgroups and
29 enhance student performance. School districts shall be held accountable
30 for improving the academic achievement of all students and for
31 identifying and turning around low-performing schools. The state board
32 shall equitably enforce the accountability requirements set forth in this act
33 and may impose additional requirements on school districts in order to
34 improve the academic performance of all districts, schools and students.

35 (b) For the purpose of determining action is required for a school to
36 achieve a sufficient level of school improvement, the state board shall
37 annually categorize schools based on the school's grade, as determined
38 pursuant to section 8, and amendments thereto, and the level and rate of
39 change in student performance in the areas of reading and mathematics,
40 disaggregated into student subgroups as described in the federal
41 elementary and secondary education act, 20 U.S.C. § 6311(b)(2)(C)(v)
42 (II).

43 (c) Appropriate intervention and support strategies shall be applied

1 to schools that require action to achieve a sufficient level of
2 improvement. The intervention and support strategies shall address
3 student performance, including, but not limited to, improvement
4 planning, leadership quality improvement, educator quality improvement,
5 professional development, curriculum alignment and pacing and the use
6 of continuous improvement and monitoring plans and processes. The
7 state board may prescribe reporting requirements to review and monitor
8 the progress of the schools.

9 (d) The department shall create a matrix that reflects intervention
10 and support strategies to address the particular needs of schools in each
11 category. Intervention and support strategies shall be applied to schools
12 based upon the school categorization. The department shall apply the
13 most intense intervention strategies to the lowest-performing schools.
14 Except for the lowest-performing schools, the intervention and support
15 strategies shall be administered solely by the school districts and the
16 schools.

17 (e) The lowest-performing schools are schools that have received:

18 (1) A grade of "F" in the most recent school year and in four of the
19 last six years; or

20 (2) a grade of "D" or "F" in the most recent school year and meet at
21 least three of the following criteria:

22 (A) The percentage of students who are not proficient in reading has
23 increased when compared to measurements taken five years previously;

24 (B) the percentage of students who are not proficient in mathematics
25 has increased when compared to measurements taken five years
26 previously;

27 (C) at least 65% of the school's students are not proficient in
28 reading; or

29 (D) at least 65% of the school's students are not proficient in
30 mathematics.

31 (f) In the school year after a school is initially identified as a school
32 in the lowest-performing category, the school district shall submit a plan,
33 which shall be subject to approval by the state board and which shall be
34 implemented unless the school moves from the lowest-performing
35 category, for implementing one of the following options at the beginning
36 of the next school year:

37 (1) Implementing a turnaround plan approved by the state board
38 which shall become the school's improvement plan;

39 (2) reassign students to another school and monitor the progress of
40 each reassigned student;

41 (3) close the school and reopen the school as one or more charter
42 schools, each with a governing board that has a demonstrated record of
43 effectiveness; or

1 (4) contract with an outside entity that has a demonstrated record of
2 effectiveness to operate the school.

3 (g) If a school does not move from the lowest-performing category
4 during the initial year of implementing one of the options in subsection
5 (f), the school district shall submit a plan, which shall be subject to
6 approval by the state board, for implementing a different option from the
7 list set forth in subsection (f) at the beginning of the next school year,
8 unless the state board determines that the school is likely to move from
9 the lowest-performing category if additional time is provided to
10 implement intervention and support strategies. The state board shall
11 determine whether a school district may continue to implement an option
12 beyond one year while a school remains in the lowest-performing
13 category.

14 (h) In order to advance to a higher category, a school shall make
15 significant progress by improving its school grade and by increasing
16 student performance in mathematics and reading. Student performance
17 shall be evaluated for each student subgroup as set forth in subsection (b).

18 New Sec. 8. (a) The department shall prepare annual reports of the
19 results of statewide assessments which describe student achievement in
20 the state, each district and each school. Such reports shall include
21 descriptions of the performance of all schools participating in the
22 statewide assessments and all of their major student populations as
23 determined by the state board, and shall also include the median scores of
24 all students who scored at or in the lowest 25th percentile of the state in
25 the previous school year. Such report shall be prepared in accordance
26 with the provisions section 4, and amendments thereto, pertaining to
27 student records.

28 (b) Except as provided in subsection (c), the annual report shall
29 identify schools as having one of the following grades, defined according
30 to rules and regulations adopted by the state board:

- 31 (1) "A," schools making excellent progress;
- 32 (2) "B," schools making above average progress;
- 33 (3) "C," schools making satisfactory progress;
- 34 (4) "D," schools making less than satisfactory progress; or
- 35 (5) "F," schools failing to make adequate progress.

36 (c) Each school that has students who are tested and included in the
37 school grading system shall receive a school grade, except as follows:

38 (1) A school shall not receive a school grade if the number of its
39 students tested and included in the school grading system is less than the
40 minimum sample size necessary, based on accepted professional practice,
41 for statistical reliability and prevention of the unlawful release of
42 personally identifiable student data under section 4, and amendments
43 thereto, or 20 U.S.C. § 1232g.

1 (2) A school that serves any combination of students in kindergarten
2 and grades one through three if at least 60% of the students in the school
3 are in kindergarten or grades one through three.

4 (d) (1) A school's grade shall be based on a combination of:

5 (A) Student achievement scores on the statewide assessments;

6 (B) student learning gains in reading and mathematics as measured
7 by the statewide assessments; and

8 (C) improvement of the lowest 25th percentile of students in the
9 school in reading and mathematics on the statewide assessments, unless
10 these students are exhibiting satisfactory performance.

11 (2) For schools comprised of grades nine through 12, or grades 10
12 through 12, 50% of the school grade shall be based on a combination of
13 the factors listed in paragraph (1) and the remaining 50% on the
14 following factors:

15 (A) The high school graduation rate of the school;

16 (B) as valid data becomes available, the performance and
17 participation of the school's students in advanced placement courses, dual
18 enrollment courses and the students' achievement of career and technical
19 education certification programs, pursuant to rules and regulations
20 adopted by the state board;

21 (C) postsecondary readiness of the school's students as measured by
22 the SAT or ACT;

23 (D) the high school graduation rate of at-risk students; and

24 (E) the growth or decline in the components listed in (A) through
25 (D) from year to year.

26 (3) The state board shall adopt appropriate criteria for each school
27 grade. The criteria shall give added weight to student achievement in
28 reading. Schools designated with a grade of "C," making satisfactory
29 progress, shall be required to demonstrate that adequate progress has been
30 made by students in the school who are in the lowest 25th percentile in
31 reading and mathematics on the statewide assessments, unless these
32 students are exhibiting satisfactory performance. For schools comprised
33 of grades nine through 12, or grades 10 through 12, the criteria for school
34 grades shall give added weight to the graduation rate of all at-risk
35 students. In order for a high school to be designated as having a grade of
36 "A," making excellent progress, the school shall demonstrate that at-risk
37 students in the school are making adequate progress.

38 (e) The annual report required by subsection (a) shall identify each
39 school's performance as having improved, remained the same or declined.
40 This school improvement rating shall be based on a comparison of the
41 current year's and previous year's student and school performance data.
42 Schools that improve at least one grade level are eligible for school
43 recognition awards under section 11, and amendments thereto.

1 (f) The department shall annually develop, in collaboration with the
2 school districts, a school report card to be delivered to parents throughout
3 each school district. The report card shall include the school's grade,
4 information regarding school improvement, an explanation of school
5 performance and indicators of return on investment. Each school's report
6 card shall be published annually by the department on its website, and the
7 school district shall provide the school report card to each parent.

8 (g) The annual report required by subsection (a) shall include district
9 grades, which shall consist of weighted district average grades, by level,
10 for all elementary schools, middle schools and high schools in the district.
11 A district's weighted average grade shall be calculated by weighting
12 individual school grades by school enrollment.

13 New Sec. 9. (a) The state board shall be responsible for
14 implementing and maintaining a system of intensive school improvement
15 and stringent education accountability, which shall include rules and
16 regulations to implement the following:

17 (1) A system of data collection and analysis that will improve
18 information about the educational success of individual students and
19 schools. The information and analyses shall be capable of identifying
20 educational programs or activities in need of improvement, and reports
21 prepared pursuant to this section shall be distributed to the appropriate
22 boards of education prior to distribution to the general public;

23 (2) a method of delivering services to assist school districts and
24 schools to improve; and

25 (3) a method of coordinating state educational goals and school
26 improvement plans with any other state program that creates incentives
27 for school improvement.

28 (b) The state board shall develop an annual feedback report to be
29 completed by each school district. The department shall review each
30 school district's feedback report and submit its findings to the state board.
31 If adequate progress is not being made toward implementing and
32 maintaining a system of school improvement and education
33 accountability, the state board shall direct the department to prepare and
34 implement a corrective action plan. The state board shall monitor the
35 development and implementation of the corrective action plan.

36 (c) The state board shall annually report to the legislature and
37 recommend changes in state policy necessary to foster school
38 improvement and education accountability. Included in the report shall be
39 a list of the schools for which intervention and support strategies have
40 been developed by the board of education for such school and an analysis
41 of the various strategies used by the such boards.

42 (d) Upon request, the department shall provide technical assistance
43 and training to any school, school district or board of education for

1 conducting needs assessments, developing and implementing school
2 improvement plans or implementing other components of school
3 improvement and accountability. Priority for these services shall be given
4 to schools designated with a grade of “D” or “F” and school districts in
5 rural and sparsely populated areas of the state.

6 (e) The state board shall assign a community assessment team to
7 each school district with a school graded “F” or a school in the lowest-
8 performing category to review the school performance data and
9 determine causes for the low performance, including the role of school
10 and district administrative personnel. The team shall make
11 recommendations to the board of education and to the state board which
12 address the causes of the school's low performance and may be
13 incorporated into the school improvement plan. The assessment team
14 shall include, but not be limited to, a department representative, parents,
15 business representatives, educators, representatives of local governments
16 and community activists, and shall represent the demographics of the
17 community from which such members are appointed.

18 New Sec. 10. (a) The state board shall develop a system for
19 reviewing the financial management practices of school districts to
20 determine whether the operation of such districts meets “best financial
21 management practices.”

22 (b) The best financial management practices shall instill public
23 confidence by addressing school district use of resources, identifying
24 ways that school districts could save funds and improving school districts'
25 performance accountability systems, including public accountability. To
26 achieve these objectives, best practices shall be developed for, but not
27 limited to, the following areas:

- 28 (1) Management structures;
- 29 (2) performance accountability;
- 30 (3) efficient delivery of educational services, including instructional
31 materials;
- 32 (4) administrative and instructional technology;
- 33 (5) personnel systems and benefits management;
- 34 (6) facilities construction;
- 35 (7) facilities maintenance;
- 36 (8) student transportation;
- 37 (9) food service operations; and
- 38 (10) cost control systems, including asset management, risk
39 management, financial management, purchasing, internal auditing and
40 financial auditing.

41 The best financial management practices adopted by the state board
42 may be updated periodically after consultation with the legislature, the
43 governor, the department and school districts. Revised best financial

1 management practices shall be used in the next year's scheduled school
2 district reviews conducted pursuant to this section.

3 (c) If sufficient funds are appropriated for the reviews required
4 under this section, the state board shall issue a request for proposal, and
5 upon selection of the most qualified response enter into a contract with
6 such private entity to perform the reviews required under this section.
7 The price set forth in the contract and the number of reviews to be
8 conducted shall be subject to the provisions of appropriation acts for the
9 fiscal year in which the reviews are to be conducted. When sufficient
10 funds are not appropriated to contract for all of the reviews required
11 under this section, the state board shall direct the department to conduct
12 the remaining reviews scheduled for that year. The scope of such reviews
13 shall focus on the best practices adopted by the state board. The state
14 board may include additional items in the scope of such reviews after
15 receiving input on the scope of the reviews from the department and
16 school districts.

17 (d) Except as otherwise provided, each school district shall be
18 reviewed on a continuing five-year cycle as established by the state
19 board. The state board may adjust the schedule of districts to be reviewed
20 when unforeseen circumstances prevent initiation of reviews scheduled in
21 a given year. Once the five-year cycle has been completed, reviews shall
22 continue, beginning again with those districts included in year one of the
23 cycle unless a district has requested and received a waiver as provided in
24 subsection (n).

25 (e) In addition to the reviews required by subsection (d), the state
26 board, the president of the senate or the speaker of the house of
27 representatives may request not more than two additional best financial
28 management practices reviews for school districts not scheduled for
29 review during that year if such review is necessary to address adverse
30 financial conditions. Such additional reviews shall be conducted only if
31 sufficient funding provided for such reviews in appropriation acts for the
32 fiscal year in which such reviews are to be conducted.

33 (f) Districts scheduled for review shall complete a self-assessment
34 instrument developed and provided by the state board which indicates the
35 school district's evaluation of its performance on each best practice. The
36 district shall begin the self-assessment not later than 60 days prior to the
37 commencement of the review. The completed self-assessment instrument
38 and supporting documentation shall be submitted to the state board not
39 later than the date of commencement of the review as set by the state
40 board. The self-assessment information provided by the district shall be
41 used during the review of such district.

42 (g) During the review, the reviewing entity, either the state board or
43 a private entity, as the case may be, shall hold at least one advertised

1 public hearing as part of the review in order to explain the best financial
2 management practices review process and obtain input from students,
3 parents, the business community and other school district residents
4 regarding concerns about the operations and management of the school
5 district.

6 (h) District reviews conducted under this section shall be completed
7 within six months after commencement. The state board shall issue a final
8 report to the governor, the legislature and the school district regarding the
9 school district's use of best financial management practices and cost
10 savings recommendations. Such report shall be issued within 60 days
11 after completion of the review.

12 (i) After receipt of the final report and before the board of education
13 takes any action required by this section, the board shall hold an
14 advertised public hearing to accept input from parents, school district
15 employees, the business community and other school district residents
16 and to review the findings and recommendations of the report. A
17 representative of the state board and the private entity conducting the
18 review, if any, shall be present at the public hearing.

19 (j) If the school district is found to not conform to best financial
20 management practices, the report shall contain an action plan detailing
21 how the district could meet the best practices within two years. Within 90
22 days after receipt of the report, the board of education of such school
23 district shall vote on whether or not to implement the action plan included
24 in the report. The board shall notify the state board in writing of the date
25 and outcome of any vote taken by the board on whether to implement the
26 action plan. If the board fails to take a vote on whether to implement the
27 action plan, the superintendent of such school district shall notify the state
28 board of such failure. The department may contact the school district,
29 assess the situation, urge the board to vote and offer technical assistance,
30 if needed. The board of education may vote to reverse a decision not to
31 implement an action plan, provided that the action plan is implemented
32 and there is still sufficient time, as determined by the board, to meet the
33 best practices within two years after issuance of the final report.

34 (k) If a board votes to implement the action plan:

35 (1) No later than one year after receipt of the final report, the board
36 shall submit an initial status report to the governor, the legislature and the
37 state board on progress made toward implementing the action plan and
38 whether changes have occurred in other areas of operation that would
39 affect compliance with the best practices; and

40 (2) a second status report shall be submitted by the board to the
41 governor, the legislature and the state board no later than one year after
42 submission of the initial report.

43 Status reports shall not be required once the state board concludes that

1 the school district is using best practices.

2 (l) After receipt of each of a district's two status reports required by
3 subsection (k), the state board shall assess the district's implementation of
4 the action plan and progress toward implementing the best financial
5 management practices in areas covered by the plan. Following each
6 assessment, the state board shall issue a report to the governor, the
7 legislature and the district indicating whether the district has successfully
8 implemented the best financial management practices.

9 (m) School districts that successfully implement the best financial
10 management practices within two years, or are determined in the review
11 to be using the best practices, are eligible to receive a "seal of best
12 financial management." The state board shall award such districts a "seal
13 of best financial management" certifying that the district is adhering to
14 the state's best financial management practices. The state board
15 designation shall be effective for five years from the certification date or
16 until the next review is completed, whichever is later. During the
17 designation period, the superintendent shall annually notify the state
18 board of any changes in policies or operations or any other situations that
19 would not conform to the state's best financial management practices. The
20 state board may revoke the designation of a school district at any time if it
21 determines that a district is no longer complying with the state's best
22 financial management practices.

23 (n) A school district that has been awarded a "seal of best financial
24 management" and has annually reported to the state board that such
25 district is still conforming to the best financial management practices may
26 request a waiver from undergoing its next scheduled review. To apply for
27 such waiver, on or before September 1 of the year prior to the year in
28 which the review is scheduled to take place, the board of education shall
29 certify to the state board that the board has determined that the school
30 district is still conforming to the best financial management practices.
31 After consultation with the department and reviewing the board's
32 certification, the state board may grant a waiver for the next scheduled
33 review for such school district. If approved for a waiver, the state board
34 shall notify the school district that no review of that district will be
35 conducted during the next scheduled review cycle. The superintendent of
36 such district shall continue to annually report to the state board as
37 required in subsection (m). Any school district granted a waiver pursuant
38 to this subsection shall not be eligible for a waiver of the next scheduled
39 review cycle.

40 (o) Any cost savings resulting from implementation of the best
41 financial management practices which are not otherwise encumbered or
42 restricted shall be spent for teacher salaries, teacher training, improved
43 classroom facilities, student supplies, textbooks, classroom technology

1 and other direct student instruction activities.

2 New Sec. 11. (a) The legislature hereby finds that there is a need
3 for a performance incentive program for outstanding faculty and staff in
4 highly productive schools. The legislature further finds that performance-
5 based incentives are commonplace in the private sector and should be
6 infused into the public sector as a reward for productivity.

7 (b) To be eligible to receive an award pursuant to this section a
8 school shall:

9 (1) Sustain high performance by receiving a school grade of "A,"
10 making excellent progress; or

11 (2) demonstrate exemplary improvement due to innovation and
12 effort by improving at least one letter grade or by improving more than
13 one letter grade and sustaining the improvement the following school
14 year.

15 (c) All selected schools shall receive financial awards depending on
16 the availability of funds appropriated and the number and size of schools
17 selected to receive an award. Funds must be distributed to the treasurer of
18 the school district in which such school is located and shall be deposited
19 in the general fund of such school district to be spent in accordance with
20 the purposes set forth in subsection (e) as determined by the board. If a
21 school selected to receive a school recognition award is no longer in
22 existence at the time the award is paid, the superintendent shall distribute
23 the funds to teachers who taught at the school in the previous year in the
24 form of a bonus.

25 (d) School recognition awards shall be used for the following:

26 (1) Nonrecurring bonuses to the faculty and staff;

27 (2) nonrecurring expenditures for educational equipment or
28 materials to assist in maintaining and improving student performance; or

29 (3) temporary personnel for the school to assist in maintaining and
30 improving student performance.

31 New Sec. 12. The state board shall adopt rules and regulations
32 necessary to implement the provisions of sections 1 through 11, and
33 amendments thereto.

34 New Sec. 13. (a) The provisions of sections 13 through 17, and
35 amendments thereto, shall be known and may be cited as the Kansas tax
36 credit scholarship act.

37 (b) As used in sections 13 through 17, and amendments thereto:

38 (1) "At-risk pupils" means: (A) Pupils who are enrolled in grades
39 below fourth grade and who are eligible for free meals under the national
40 school lunch act and who are enrolled in a district which maintains an
41 approved at-risk pupil assistance plan; or (B) pupils who are enrolled in
42 any of the grades four through 12 and who scored less than proficient on
43 the most recent mathematics or reading state assessments administered to

1 the pupil and who are enrolled in a district which maintains an approved
2 at-risk pupil assistance plan.

3 (2) "Contributions" means monetary contributions, gifts or donations
4 and in-kind contributions, gifts or donations that have an established
5 market value.

6 (3) "Educational scholarship" or "scholarship" means a grant to
7 eligible students to cover all or a portion of the costs of tuition, fees and
8 expenses of the qualified school.

9 (4) "Eligible student" means a student who: (1) Is an at-risk student;
10 and (2) was enrolled in a public school during the previous school year or
11 is eligible to enter a public school in the school year in which an
12 educational scholarship is first sought for the student.

13 (5) "Parent" includes a guardian, custodian or other person with
14 authority to act on behalf of the student.

15 (6) "Program" means the Kansas tax credit scholarship program
16 established by section 14, and amendments thereto.

17 (7) "Public school" means a school operated by a unified school
18 district organized under the laws of this state.

19 (8) "Qualified school" means any nonpublic elementary or
20 secondary school that complies with the requirements of sections 13
21 through 17, and amendments thereto, and is accredited by the state board
22 of education.

23 (9) "Scholarship granting organization" means an organization that
24 complies with the requirements of sections 13 through 17, and
25 amendments thereto, and provides educational scholarships to students
26 attending qualified schools of their parents' choice.

27 (10) "State board" means the state board of education created by
28 article 6 of the constitution of Kansas.

29 New Sec. 14. (a) There is hereby established the Kansas tax credit
30 scholarship program. The program shall provide eligible students with an
31 opportunity to attend qualified schools of their parents' choice by
32 receiving scholarships funded by taxpayer contributions, a portion of
33 which may be eligible for a tax credit pursuant to section 18, and
34 amendments thereto.

35 (b) Each scholarship granting organization shall issue a receipt, in a
36 form prescribed by the secretary, to each contributing taxpayer indicating
37 the value of the contribution received. Each taxpayer shall provide a copy
38 of such receipt when claiming the tax credit established in section 18, and
39 amendments thereto.

40 (c) If the state board finds that the scholarship granting organization
41 has knowingly failed to comply with the requirements of the program, the
42 state board may bar that scholarship granting organization from continued
43 participation in the program. If the state board bars a scholarship granting

1 organization from continued participation in the program, the state board
2 shall notify the secretary, the affected eligible students and their parents
3 its decision.

4 New Sec. 15. (a) To be eligible to participate in the program, a
5 scholarship granting organization shall comply with the following:

6 (1) The scholarship granting organization shall notify the state board
7 of the scholarship granting organization's intent to provide educational
8 scholarships to students attending qualified schools;

9 (2) in accordance with the rules and regulations established by the
10 state board, the scholarship granting organization shall provide evidence
11 that the scholarship granting organization is exempt from federal income
12 taxation pursuant to section 501(c)(3) of the federal internal revenue code
13 of 1986;

14 (3) upon receipt of contributions in an aggregate amount or value in
15 excess of \$50,000 during any one school year under the program, a
16 scholarship granting organization shall file with the state board either: (A)
17 A surety bond payable to the state in an amount equal to the aggregate
18 amount of contributions expected to be received during the school year;
19 or (B) financial information demonstrating the scholarship granting
20 organization's ability to pay an aggregate amount equal to the amount of
21 the contributions expected to be received during the school year, which
22 shall be reviewed and approved of in writing by the state board;

23 (4) scholarship granting organizations that provide services in
24 addition to providing educational scholarships shall not commingle
25 contributions made pursuant to the program with other contributions
26 made to such organization;

27 (5) the scholarship granting organization shall ensure that each
28 qualified school receiving educational scholarships from the scholarship
29 granting organization is in compliance with the requirements of the
30 program and has maintained its accreditation with the state board; and

31 (6) if a scholarship granting organization decides to limit the number
32 or type of qualified schools who will receive educational scholarships, the
33 scholarship granting organization shall provide, in writing, to any
34 contributor and the state board the name or names of those qualified
35 schools.

36 (b) Any scholarship granting organization shall not provide
37 educational scholarships for students to attend any qualified school with
38 paid staff or paid board members, or relatives thereof, in common with
39 the scholarship granting organization.

40 (c) The scholarship granting organization shall disperse 90% of
41 contributions received pursuant to the program in the form of educational
42 scholarships within 36 months of receipt of such contributions. If such
43 contributions have not been dispersed within the applicable 36-month

1 time period, then the scholarship granting organization shall not accept
2 new contributions until 90% of the received contributions have been
3 dispersed in the form of educational scholarships. Any income earned
4 from contributions must be dispersed in the form of educational
5 scholarships.

6 (d) A scholarship granting organization shall make payments of an
7 educational scholarship to the qualified school on behalf of the eligible
8 student. Payment shall be made by check made payable to both the parent
9 and the qualified school. If an eligible student transfers to a new qualified
10 school during a school year, the scholarship granting organization shall
11 pay a prorated amount to the original qualified school and the new
12 qualified school based on the student's attendance.

13 (e) On or before June 1 of each year, a scholarship granting
14 organization shall submit a report to the state board for the scholarships
15 provided in the immediately preceding 12 months. Such report shall be
16 submitted in a form and manner prescribed by the state board, approved
17 and signed by a certified public accountant, and contain the following
18 information:

19 (1) The name and address of the scholarship granting organization;

20 (2) the total number and total dollar amount of contributions
21 received during the 12-month reporting period; and

22 (3) the total number and total dollar amount of educational
23 scholarships awarded during the 12-month reporting period.

24 New Sec. 16. To be eligible to participate in the program, a qualified
25 school receiving educational scholarships from the scholarship granting
26 organization shall:

27 (a) Be required to operate in Kansas and comply with all state laws
28 that apply to an accredited nonpublic school regarding criminal
29 background checks for employees;

30 (b) exclude from employment, any persons not permitted by state
31 law to work in an accredited nonpublic school;

32 (c) comply with all health and safety laws, regulations and other
33 codes applicable to such entity.

34 New Sec. 17. The state board shall adopt rules and regulations
35 necessary to implement and administer the program.

36 New Sec. 18. (a) There shall be allowed a credit against the
37 income tax liability imposed upon a taxpayer pursuant to the Kansas
38 income tax act, the privilege tax liability imposed upon a taxpayer
39 pursuant to the privilege tax imposed upon any national banking
40 association, state bank, trust company or savings and loan association
41 pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and
42 amendments thereto, and the premium tax liability imposed upon a
43 taxpayer pursuant to the premiums tax and privilege fees imposed upon

1 an insurance company pursuant to K.S.A. 40-252, and amendments
2 thereto, for tax year 2011 and all tax years thereafter, an amount equal to
3 the contributions made to a scholarship granting organization pursuant to
4 section 13 et seq., and amendments thereto.

5 (b) The credit shall be claimed and deducted from the taxpayer's tax
6 liability during the tax year in which the contribution was made to any
7 such scholarship granting organization.

8 (c) For tax year 2011 and all tax years thereafter, in no event shall
9 the aggregate amount of tax credits allowed under this section exceed
10 \$140,000,000 for any one fiscal year.

11 (d) If the amount of any such tax credit claimed by a taxpayer
12 exceeds the taxpayer's income, privilege or premium tax liability, such
13 excess amount may be carried over for deduction from the taxpayer's
14 income, privilege or premium tax liability in the next succeeding year or
15 years until the total amount of the credit has been deducted from tax
16 liability, except that no such credit shall be carried over for deduction
17 after the third taxable year succeeding the tax year in which the
18 contribution was made to any such scholarship granting organization.

19 (e) No credit under this section shall be claimed by a taxpayer who
20 may be claimed as a dependent by another taxpayer for federal income
21 tax purposes.

22 (f) The secretary of revenue shall adopt rules and regulations
23 regarding filing of documents that support the amount of credit claimed
24 pursuant to this section.

25 New Sec. 19. (a) The provisions of sections 19 through 25, and
26 amendments thereto, shall be known and may be cited as the Kansas
27 opportunity scholarship act.

28 (b) As used in sections 19 through 25, and amendments thereto,
29 unless the context otherwise requires:

30 (1) "Department" means the department of education.

31 (2) "Eligible student" means a student who:

32 (A) During the immediately preceding school year was enrolled in a
33 public school that has received a grade of "F," failing to make adequate
34 progress, pursuant to section 7, and amendments thereto, and that has had
35 two school years in a four-year period of such low performance, and such
36 student was enrolled in such school during a school year in which such
37 categorization was in effect;

38 (B) has been enrolled in a school that has not received a grade of
39 "F," failing to make adequate progress, but has been assigned to attend
40 such a school for the next school year; or

41 (C) is entering kindergarten and has been assigned to attend a school
42 that has received a grade of "F," failing to make adequate progress, for the
43 next school year.

1 (3) "Qualified school" means any nonpublic school or institution
2 that meets all the requirements of the program.

3 (4) "Parent" includes a guardian, custodian or other person with
4 authority to act on behalf of the student.

5 (5) "Program" means the Kansas opportunity scholarship program
6 established by section 20, and amendments thereto.

7 (6) "Public school" means any school operated by a unified school
8 district in accordance with state law.

9 (7) "Resident school district" means the school district in which the
10 student resides.

11 (8) "State board" means the state board of education created by
12 article 6 of the constitution of Kansas.

13 New Sec. 20. (a) There is hereby established the Kansas
14 opportunity scholarship program. The program shall provide eligible
15 students with the opportunity to attend a qualified school of their parents'
16 choice by receiving a state scholarship. The program shall be
17 administered by the department.

18 (b) Any parent of an eligible student shall qualify for a scholarship
19 pursuant to the program if:

20 (1) The eligible student has been accepted for admission at the
21 qualified school; and

22 (2) the parent has submitted an application for a scholarship in the
23 manner specified by the state board.

24 (c) Except as provided in subsection (d), any student receiving a
25 scholarship under the program shall fully comply with an qualified
26 school's written code of conduct and shall remain in attendance
27 throughout the school year, unless excused by the qualified school for
28 illness or other good cause.

29 (d) A parent may transfer an eligible student to another qualified
30 school at any time. In the event of such transfer, the scholarship amount
31 shall be prorated between the qualified schools according to the
32 attendance of the student at each school.

33 New Sec. 21. (a) Upon approval of an application for a
34 scholarship, the department shall notify the resident school district that
35 the eligible student has requested a scholarship under the program.

36 (b) The maximum scholarship amount that may be granted under the
37 program to an eligible student shall be an amount equal to the amount of
38 general state aid and supplemental state aid the resident school district is
39 entitled to receive per pupil for the immediately preceding school year, or
40 the cost of tuition and fees to attend the qualified school, whichever is
41 less. For purposes of this section, the term "fees" shall include textbook
42 fees, lab fees and any other fees related to instruction, including
43 transportation.

1 (c) The scholarship shall remain in full force and effect until the
2 eligible student is again enrolled in a public school, graduates from high
3 school or reaches the age of 21, whichever occurs first.

4 (d) The department shall certify to the director of accounts and
5 reports the amount of the scholarship to be awarded for each eligible
6 student. The director of accounts and reports shall issue a warrant on the
7 state treasurer payable to the qualified school and the parent of each
8 eligible student awarded a scholarship under the program in the amount
9 certified by the department.

10 New Sec. 22. (a) A resident school district shall notify the parent
11 of each eligible student of the Kansas opportunity scholarship program
12 and provide such information as required by the department to give the
13 parent an opportunity to have the student participate in the program.
14 However, it shall be the parent's responsibility to apply for admission to
15 the qualified school, and to apply for a scholarship under the program.

16 (b) The resident school district shall also provide the parents of such
17 eligible student the opportunity to enroll the student in a public school
18 within the resident school district that has received a grade of "C" or
19 higher.

20 (c) Notwithstanding any other provision of law, if a parent of an
21 eligible student chooses to enroll the student in a higher performing
22 public school pursuant to subsection (b), the resident school district shall
23 provide transportation for such eligible student.

24 (d) An eligible student receiving a scholarship under the program
25 shall not be counted as a pupil by the resident school district for the
26 purposes of determining enrollment pursuant to the school district finance
27 and quality performance act.

28 (e) If the parent of an eligible student receiving a scholarship under
29 the program requests that the student take the statewide assessments, the
30 resident school district shall provide locations and times for the student to
31 take such assessments if such assessments are not offered at the qualified
32 school.

33 (f) Eligible students with disabilities who are eligible to receive
34 services from the resident school district under federal or state law, and
35 who participate in the program, shall remain eligible to receive such
36 services from the resident school district as provided by federal or state
37 law.

38 New Sec. 23. (a) The state board shall not be liable for claims
39 based on the award of or use of a scholarship awarded pursuant to
40 sections 19 through 25, and amendments thereto.

41 (b) The state board may bar a qualified school from receiving
42 scholarships funds under the program if the state board establishes that
43 the qualified school has intentionally and substantially misrepresented

1 information required under section 24, and amendments thereto.

2 (c) The state board shall notify eligible students and their parents of
3 any decision to bar a qualified school from receiving scholarship funds
4 under the program.

5 New Sec. 24. (a) In order to receive scholarship funds under the
6 program, a qualified school shall operate in this state and demonstrate:

7 (1) That it is in compliance with all health and safety laws,
8 regulations and other codes applicable to such entity;

9 (2) that it holds a valid occupancy permit, if required;

10 (3) that it will comply with the nondiscrimination policies set forth
11 in 42 U.S.C. § 1981; and

12 (4) that it is in compliance with all applicable state laws regarding
13 criminal background checks for employees.

14 (b) All qualified schools shall submit to the state board a financial
15 information report prepared by a certified public accountant. Such report
16 shall:

17 (1) Be limited in scope to those records that are necessary for the
18 state board to verify the expenditure of scholarship funds on instructional
19 services provided to the eligible student;

20 (2) comply with generally accepted uniform financial accounting
21 standards; and

22 (3) certify that the financial information report does not contain any
23 material misstatements.

24 (c) If the qualified school is to receive an amount equal to or greater
25 than \$50,000 during any one school year under the program, then the
26 qualified school shall demonstrate its ability to pay any funds that may
27 become due and owing to the state by:

28 (1) Filing with the state board, prior to the start of the school year, a
29 surety bond payable to the state in an amount equal to the aggregate
30 amount of funds the qualified school anticipates it will receive during the
31 school year under the program; or

32 (2) filing with the state board, prior to the start of the school year,
33 financial information that demonstrates, to the state board's satisfaction,
34 that the qualified school has the ability to pay an amount equal to the
35 aggregate amount of funds the qualified school anticipates it will receive
36 during the school year under the program.

37 (d) All qualified schools shall regularly report on the student's
38 progress to the parent.

39 (e) A qualified school is autonomous and is not an agent of the state.
40 The state board or any other state agency may not in any way regulate the
41 educational program of such qualified school. The creation of the Kansas
42 opportunity scholarship program does not expand the regulatory authority
43 of the state, its officers or any school district to impose any additional

1 regulation of such qualified school beyond those reasonably necessary to
2 enforce the requirements of the program. Such qualified schools shall be
3 given the maximum freedom to provide for the educational needs of their
4 students without governmental control.

5 New Sec. 25. The state board shall adopt rules and regulations that it
6 deems necessary to implement the provisions of sections 19 through 25,
7 and amendments thereto, including, but not limited to:

8 (a) Requirements relating to qualified schools;

9 (b) the calculation and awarding of scholarships under the program;

10 (c) procedures relating to the submission and approval of
11 applications for scholarships; and

12 (d) procedures and safeguards relating to the issuance of vouchers to
13 ensure that moneys awarded for scholarships are used for the purposes set
14 forth in sections 19 through 26, and amendments thereto.

15 New Sec. 26. (a) The legislature hereby finds that the
16 establishment of charter technical career centers can assist in promoting
17 advances and innovations in workforce preparation and economic
18 development. A charter technical career center may provide a learning
19 environment that better serves the needs of a specific population group or
20 a group of occupations, thus promoting diversity and choices within the
21 public education and public postsecondary technical education
22 community in this state.

23 (b) The state board of education may authorize the establishment of
24 a charter technical career center for the purpose of:

25 (1) Developing a competitive workforce to support local business
26 and industry and economic development;

27 (2) creating a training and education model that is reflective of
28 marketplace realities;

29 (3) offering a continuum of career educational opportunities;

30 (4) providing career pathways for lifelong learning and career
31 mobility; and

32 (5) enhancing career and technical training.

33 (b) The petition to establish a charter technical career center shall be
34 in such format as prescribed by the state board in accordance with K.S.A.
35 72-1906, and amendments thereto. Such petition may be submitted to the
36 board of education of a school district for review and approval or
37 disapproval. Such submission and the procedure for review and
38 approval or disapproval shall be conducted in accordance with the
39 provisions of K.S.A. 72-1906, and amendments thereto.

40 (c) As an alternative to subsection (b), a petition to establish a
41 charter technical career center may be submitted to the state board for
42 review and approval or disapproval. Such petition may be prepared and
43 submitted to the state board by or on behalf of a school building or school

1 district employees group, an educational services contractor or any other
2 person or entity. Such petition shall be submitted not later than December
3 1 of the school year preceding the school year in which the charter
4 technical career center is proposed to be established.

5 (d) The state board shall receive and review each petition submitted
6 pursuant to subsection (c) for the establishment or continuation of a
7 charter technical career center and may grant or renew a charter for
8 operation of the center. In conducting its review, the state board shall
9 determine whether the center can reasonably be expected to accomplish
10 the program goals such center established in the petition. If the state
11 board finds the charter technical career center is not likely to achieve its
12 program goals, the state board shall deny the petition.

13 (e) A charter technical career center shall comply with the following
14 requirements in order to qualify for establishment or continuation:

15 (1) The center shall be focused on outcomes or results and shall
16 participate in the quality performance accreditation process unless a
17 specific request documenting the reasons for deviation from the process
18 is submitted to and approved by the state board;

19 (2) pupils in attendance at the center shall be reasonably reflective of
20 the racial and socio-economic composition of the school district in which
21 the center is located as a whole;

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

23 (4) compliance with applicable health, safety and access laws shall
24 be assured.

25 (f) If, upon receipt of a petition for establishment or continuation of
26 a charter technical career center, the state board finds the petition to be
27 incomplete, the state board may request the necessary information from
28 the petitioner. After receiving a satisfactory petition, the state board shall
29 give notice of the time, date and place for the holding of a public hearing
30 on the petition and shall rule on the petition within 30 days after the
31 public hearing is held.

32 (g) (1) If the state board does not approve the petition, the state
33 board shall send a notification of denial to the petitioner and shall specify
34 in writing the reasons therefor. Within 30 days from the date of the
35 notification of denial, the petitioner may submit a request to the state
36 board for reconsideration of the petition and may submit an amended
37 petition therewith. The state board shall act on such request within 30
38 days of receipt of the request.

39 (2) If the state board approves the petition, the state board shall
40 notify the petitioner within 30 days after the approval or by February 1 of
41 the school year preceding the school year in which the center is proposed
42 to be established, whichever is earlier.

43 (h) If a charter technical career center that has been approved for

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

14 (i) Whenever a charter technical career center has been approved for
15 establishment or continuation by the the state board of education, no other
16 approval shall be required for a period of five school years. The state
17 board may consider renewal of the operational status of the center at the
18 conclusion of such five-year period. The state board may either renew the
19 charter and continue operation of the center or deny the renewal of the
20 charter and discontinue operation of the center.

21 (j) Renewal of the operational status of the charter technical career
22 center shall be approved only if the center has demonstrated progress in
23 achieving the program goals it established in its petition. The state board
24 shall first determine whether the center is demonstrating such progress.

25 (k) The state board shall revoke the charter of a center if a center:

26 (1) Materially violates provisions contained in the charter;

27 (2) fails to make progress in achieving the program goals contained
28 in the charter;

29 (3) fails to comply with fiscal accountability procedures as specified
30 in the charter; or

31 (4) violates rules and regulations of the state board that have not
32 been waived by the state board.

33 (l) Prior to denying the renewal of or revoking a charter, the state
34 board shall hold a hearing on the issues in controversy. Spokespersons for
35 the center shall be provided the opportunity to present information
36 refuting the basis upon which the denial of renewal or revocation is
37 premised. At least 30 days notice must be provided to representatives of
38 the center prior to the hearing. Within 60 days after the hearing, the state
39 board shall announce its decision on the denial of renewal or revocation
40 issue. The state board may abandon the proposed denial of renewal or
41 revocation, deny renewal of or revoke the charter, or continue recognition
42 of the charter contingent upon compliance with specified conditions. The
43 decision of the state board to deny renewal of or revoke a charter shall be

1 in writing to the charter technical career center and shall specify the
2 reasons for such denial of renewal or revocation. The decision is not
3 subject to appeal. The governing body of the center may renew
4 procedures for authority to operate a charter technical career center, or
5 within 30 days of the decision, the may submit a request to the state board
6 for reconsideration of its decision and may submit an amended petition
7 therewith. The state board shall act on such request within 30 days of the
8 request.

9 (m) The state board shall provide, upon request, any school building
10 or school district employees group, any educational services contractor,
11 and any other person or entity with technical advice and assistance
12 regarding the establishment and operation of a charter technical career
13 center or the preparation of a petition requesting authorization of the state
14 board for the establishment and operation of such a center.

15 (n) As used in this section and in K.S.A. 72-1903 through 72-1911,
16 and amendments thereto:

17 (1) "Charter technical career center" or "center" means a public
18 school or a public technical center operated under a charter granted by the
19 state board or the board of education of a school district that is
20 nonsectarian in its programs, admission policies, employment practices
21 and operations, and is managed by a board of directors.

22 (2) "State board" means the state board of education.

23 Sec. 27. K.S.A. 72-1903 is hereby amended to read as follows: 72-
24 1903. (a) It is the intention of article 19 of chapter 72 of the Kansas
25 Statutes Annotated, and amendments thereto, to provide an alternative
26 means within the public school system for ensuring accomplishment of
27 the necessary outcomes of education by offering opportunities for school
28 building or school district employees groups, educational services
29 contractors, and other persons or entities to establish and maintain charter
30 schools that operate within a school district structure, but independently
31 from other schools of the district.

32 (b) As used in article 19 of chapter 72 of the Kansas Statutes
33 Annotated, and amendments thereto, "charter school" means a separate
34 and distinct school, attendance at which is voluntary, which is established
35 to accomplish one or more of the purposes set forth in article 19 of
36 chapter 72 of the Kansas Statutes Annotated, and amendments thereto,
37 *and shall include charter technical career centers, as defined by section*
38 *26, and amendments thereto.* Each charter school shall be subject to
39 accreditation requirements of the state board of education and must be
40 accredited to maintain its charter. A charter school may be maintained in
41 a separate facility or in an existing school facility if the charter school is
42 operated separately from the other school in the shared facility. Each
43 charter school shall offer a general curriculum appropriate to the grades

1 offered at the charter school, but may include one or more special
2 programs as part of its curriculum. A charter school also may be
3 organized around a special emphasis, theme or concept or utilize
4 innovative educational methods or practices, or a combination of these.

5 Sec. 28. K.S.A. 72-1903 is hereby repealed.

6 Sec. 29. This act shall take effect and be in force from and after its
7 publication in the statute book.

8