

HOUSE BILL No. 2320

By Committee on Taxation

Proposed Amendments for HB 2320
For Committee on Education
March 11, 2012
Re: State board reporting
Prepared by: Eunice Peters
Office of Revisor of Statutes

1 AN ACT concerning public charter schools; creating the Kansas public
2 charter school act; amending K.S.A. 2012 Supp. 72-6407, 79-32,117
3 and 79-32,138 and repealing the existing sections; also repealing
4 K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A.
5 2012 Supp. 72-1906, 72-1907 and 72-1910.
6

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

8 New Section 1. The provisions of sections 1 through 27, and
9 amendments thereto, shall be known and may be cited as the Kansas
10 public charter school act.

11 New Sec. 2. (a) The legislature hereby finds and declares the
12 following:

13 (1) The state of Kansas recognizes the establishment of public charter
14 schools as necessary to improving the opportunities of all families to
15 choose the public school that meets the needs of their children, and
16 believes that public charter schools serve a distinct purpose in supporting
17 innovations and best practices that can be adopted among all public
18 schools.

19 (2) The state of Kansas recognizes that there must be a variety of
20 public-institutions that can authorize the establishment of public charter
21 schools as defined by law, and recognizes that ~~independent but~~ publicly-
22 accountable multiple authorizing authorities, such as independent state
23 entities or universities, contribute to the health and growth of strong and
24 innovative public charter schools.

25 (b) The legislature hereby finds and declares that the purpose of this
26 act is to do the following:

27 (1) Allow the creation of innovative public charter schools which
28 may operate independently of state laws or rules and regulations, other
29 than those specified in this act, deemed by the public charter school
30 authorizer to hinder its goals to achieve at the highest level possible;

31 (2) establish that existing or new public entities may be created to
32 approve and monitor public charter schools in addition to unified school
33 district school boards; and

34 (3) remove procedural and funding barriers to public charter school
35 success.

36 New Sec. 3. As used in sections 1 through 27, and amendments

Technical amendment: Strike

1 thereto, unless the context requires otherwise:

2 (a) "Department" means the department of education.

3 (b) "Educational management organization" means a partnership,
4 nonprofit or business corporation, or any other association, corporation,
5 trust, or other legal entity that enters into a management agreement with a
6 public charter school.

7 (c) "Governing board" means the independent board of a public
8 charter school that is party to the charter contract with the authorizer and
9 whose members have been elected or selected pursuant to such school's
10 petition.

11 (d) "Local board of education" means a local board of education
12 exercising management and control of a school district pursuant to state
13 law.

14 (e) "Management agreement" means an agreement to provide
15 comprehensive educational, administrative, management, or instructional
16 services or staff to a public charter school.

17 (f) "Postsecondary educational institution" and "private
18 postsecondary educational institution" shall have the same meanings as
19 those terms are defined in K.S.A. 74-3201b, and amendments thereto.

20 (g) "Public charter school" means any school, whether newly
21 established or already existing, including any online school, that is
22 approved by a public charter school authorizer to operate as a public
23 charter school under the provisions of sections 1 through 27, and
24 amendments thereto.

25 (h) "Public charter school applicant" or "applicant" means an eligible
26 person, organization or other entity that seeks approval from a public
27 charter school authorizer to operate a public charter school.

28 (i) "Public charter school authorizer" or "authorizer" means an entity
29 or body established in section 4, and amendments thereto, to approve and
30 oversee public charter schools.

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

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

35 New Sec. 4. (a) Any entity desiring to be a public charter school
36 authorizer may apply to the state board of ~~education~~ for a grant of
37 authority to be an authorizer. The application shall be submitted in the
38 form and manner prescribed by the state board. Such application shall
39 include the following:

40 (1) Notification of intent to serve as a public charter school authorizer
41 in accordance with sections 1 through 27, and amendments thereto;

42 (2) a description of the entity's strategic vision for authorizing public
43 charter schools;

Technical amendment: Strike

(3) a description of the entity's budget, personnel and commitment to execute the duties and functions of authorizing public charter schools;

(4) a description of the petition process that the entity, if approved, would use in determining whether to authorize a public charter school;

(5) a description of the performance framework that the entity, if approved, would use to guide the formation of a charter contract and for ongoing oversight and evaluation of public charter schools authorized by such entity;

(6) a description of the entity's charter renewal, revocation and nonrenewal procedures;

(7) a statement of assurance that the entity seeks to serve as an authorizer in fulfillment of the expectations, spirit and intent of sections 1 through 26, and amendments thereto; and

(8) a statement that the entity will ensure public accountability and transparency in all matters concerning authorizer practices, decisions and expenditures.

(b) (1) The state board shall review the application to determine compliance with the provisions of subsection (a). If the application is determined to be in compliance with subsection (a), the state board shall approve the application and grant such entity authority to authorize public charter schools. The state board shall notify the entity of such approval within 30 days following the date the application was submitted.

(2) If the state board determines such application is not in compliance with subsection (a), the state board shall deny the application. The state board shall send a notification of denial to the entity and shall specify the reasons therefor. Within 30 days from the date such notification is sent, the entity may submit a request to the state board for reconsideration of the application and may submit an amended application with such request. The state board shall act on the request for reconsideration within 30 days of receipt of the request.

(c) The following entities may be granted authority to authorize public charter schools:

(1) The state board;

(2) the state board of regents established by K.S.A. 74-3202a, and amendments thereto;

(3) the governing board of any public or private postsecondary educational institution;

(4) the local board of education; and

(5) the governing body of any city or county.

New Sec. 5. Any local board of education that is operating a public charter school on or before the effective date of this act and intends to continue the operation of such public charter school shall be deemed an authorizer by the state board and shall have the authority to authorize any

Technical amendment: strike and insert "27"

receive and

each

satisfactory

denies the application,

written

(3) Upon reconsideration, if the state board denies the application, then the state board shall send a written notification of denial, specifying the reasons therefor: (A) To the entity seeking reconsideration; (B) to the chairperson of the senate committee on education; and (C) to the chairperson of the house of representatives committee on education. Such written notification of denial shall include the initial application by the entity seeking to serve as an authorizer, the initial notification of denial to such entity, the application for reconsideration by such entity and the notification of denial to such entity seeking reconsideration.

1 additional public charter schools within the boundaries of the school
2 district governed by such local board of education.

3 New Sec. 6. (a) Within 30 days after an authorizer is approved to
4 authorize public charter schools pursuant to section 4, and amendments
5 thereto, such authorizer and the local board of education of any school
6 district in which such authorizer intends to authorize public charter schools
7 shall enter into an agreement whereby such authorizer shall agree to abide
8 by the provisions of sections 1 through 27, and amendments thereto, and
9 the local board of education shall agree that such authorizer has the
10 authority to authorize public charter schools. Such agreement shall not
11 contain any provision that is in conflict with provisions of sections 1
12 through 27, and amendments thereto. Such agreement shall remain in
13 force and effect for so long as such authorizer is granted the authority to
14 authorize public charter schools.

15 (b) In the event an authorizer desires to authorize a public charter
16 school within the boundaries of a school district other than those districts
17 described in subsection (a), then such authorizer and the local board of
18 education of such school district shall enter into an agreement as described
19 in subsection (a). Such agreement shall be entered into within 30 days
20 from the date such authorizer notifies the local board of education of its
21 intent to authorize a public charter school within the boundaries of such
22 school district.

23 New Sec. 7. (a) Public charter school authorizers shall have the
24 following powers and duties:

- 25 (1) Soliciting and evaluating public charter school petitions;
 - 26 (2) approving public charter school petitions that meet identified
27 educational needs, promote a diversity of educational choices and satisfy
28 the requirements of sections 1 through 27, and amendments thereto;
 - 29 (3) denying public charter school petitions that fail to satisfy the
30 requirements of sections 1 through 27, and amendments thereto, or the
31 petition criteria established by the authorizer;
 - 32 (4) negotiating and executing charter contracts with each approved
33 public charter school applicant;
 - 34 (5) monitoring, in accordance with charter contract terms, the
35 performance and legal compliance of public charter schools approved by
36 the authorizer; and
 - 37 (6) determining whether each charter contract merits renewal,
38 ~~renewal~~ or revocation.
- 39 (c) The power of an authorizer to oversee and regulate public charter
40 schools shall be limited to those powers and duties specified in sections 1
41 through 27, and amendments thereto, and shall be consistent with the spirit
42 and intent of sections 1 through 27, and amendments thereto.
- 43 (d) An authorizer may enter into an agreement with any other person

Technical amendment: strike and insert "nonrenewal"