

## HOUSE BILL No. 2580

By Representatives Garber, Goodman, Gregory, O'Brien and Otto

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1 AN ACT concerning public charter schools; creating the Kansas public  
2 charter schools act; amending K.S.A. 2011 Supp. 72-6407 and  
3 repealing the existing section; also repealing K.S.A. 72-1903, 72-1904,  
4 72-1908, 72-1909 and 72-1911 and K.S.A. 2011 Supp. 72-1906, 72-  
5 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 44, 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) It is in the best interest of the people of the state to provide all  
14 children with public schools that reflect high expectations and to create  
15 conditions in all schools where these expectations can be met;

16 (2) education reform is necessary to strengthen the performance of  
17 elementary and secondary public school students;

18 (3) those who know students best, their parents and educators, make  
19 the best educational decisions regarding the students;

20 (4) parents and educators have a right and a responsibility to  
21 participate in the education institutions which serve them;

22 (5) different students learn differently and public school programs  
23 should be customized to fit the needs of individual students; and

24 (6) there are parents, educators and other citizens in the state who are  
25 willing and able to offer educational programs, but who lack a channel  
26 through which they can direct their efforts.

27 (b) The legislature hereby finds and declares that the purposes of the  
28 state's public charter schools as a whole are:

29 (1) To improve student learning by creating high-quality schools with  
30 high standards for student performance;

31 (2) to close achievement gaps between high-performing and low-  
32 performing groups of public school students;

33 (3) to increase high-quality educational opportunities within the  
34 public education system for all students, especially those at risk of  
35 academic failure;

36 (4) to create new professional opportunities for teachers, school

1 administrators and other school personnel that allow them to have a direct  
2 voice in the operation of their schools;

3 (5) to encourage the use of different, high-quality models of teaching,  
4 governing, scheduling or other aspects of schooling that meet a variety of  
5 student needs;

6 (6) to allow public schools freedom and flexibility in exchange for  
7 exceptional levels of results-driven accountability;

8 (7) to provide students, parents, community members and local  
9 entities with expanded opportunities for involvement in the public  
10 education system; and

11 (8) to encourage the replication of successful public charter schools.

12 New Sec. 3. As used in sections 1 through 44, and amendments  
13 thereto:

14 (a) "Applicant" means any person or group that develops and submits  
15 an application for a public charter school to an authorizer.

16 (b) "Application" means a proposal from an applicant to an authorizer  
17 to enter into a charter contract whereby the proposed school obtains public  
18 charter school status.

19 (c) "At-risk student" means a student who has an economic or  
20 academic disadvantage that requires special services and assistance to  
21 succeed in educational programs, including, but not limited to, students  
22 who are members of economically disadvantaged families, students who  
23 are identified as having special educational needs, students who are limited  
24 in English proficiency, students who are at risk of dropping out of high  
25 school and students who do not meet minimum standards of academic  
26 proficiency.

27 (d) "Authorizer" means an entity authorized under section 5, and  
28 amendments thereto, to review applications for a public charter school,  
29 decide whether to approve or reject such applications, enter into charter  
30 contracts with applicants for a public charter school, oversee public charter  
31 schools, and decide whether to renew, not renew or revoke charter  
32 contracts.

33 (e) "Base state aid per pupil" shall have the same meaning as defined  
34 in K.S.A. 72-6410, and amendments thereto.

35 (f) "Charter contract" means a fixed-term, renewable contract  
36 between a public charter school and an authorizer that outlines the roles,  
37 powers, responsibilities and performance expectations for each party to the  
38 contract.

39 (g) "Commission" means the Kansas public charter school  
40 commission established pursuant to section 4, and amendments thereto.

41 (h) "Conversion public charter school" means a charter school that  
42 existed as a non-charter public school before becoming a public charter  
43 school.

1 (i) "Education service provider" means a for-profit or not-for-profit  
2 education or charter management organization, school design provider or  
3 any other partner entity with which a public charter school intends to  
4 contract for educational design, implementation or comprehensive  
5 management.

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

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

12 (l) "School district" means any unified school district organized and  
13 operating under the laws of this state.

14 (m) "Parent" means a parent, guardian or other person or entity  
15 having legal custody of a child.

16 (n) "Public charter school" means a public school that:

17 (1) Has autonomy over decisions including, but not limited to,  
18 matters concerning finance, personnel, scheduling, curriculum and  
19 instruction;

20 (2) is governed by a governing board;

21 (3) is established and operating under the terms of a charter contract  
22 between the school's governing board and its authorizer;

23 (4) is a school to which parents choose to send their children;

24 (5) is a school that admits students on the basis of a lottery if more  
25 students apply for admission than can be accommodated;

26 (6) provides a program of education that includes one or more of the  
27 following: Preschool, pre-kindergarten, any grade or grades from  
28 kindergarten through grade 12, and adult community, continuing and  
29 vocational education programs;

30 (7) operates in pursuit of a specific set of educational objectives as  
31 defined in its charter contract; and

32 (8) operates under the oversight of its authorizer in accordance with  
33 its charter contract.

34 (o) "Public school" means any school that is under the direct  
35 management, governance and control of a local school board or the state  
36 board.

37 (p) "Start-up public charter school" means a public charter school that  
38 did not exist as a public school prior to becoming a public charter school.

39 (q) "State board" means the state board of education created by article  
40 6 of the constitution of Kansas.

41 (r) "Student" means any child who is eligible for attendance in public  
42 schools in the state.

43 (s) "Virtual public charter school" means a public charter school that

1 offers an educational program that:

2 (1) Is offered for credit;

3 (2) uses distance-learning technologies which predominately use  
4 internet-based methods to deliver instruction;

5 (3) involves instruction that occurs asynchronously with the teacher  
6 and pupil in separate locations;

7 (4) requires the pupil to make academic progress toward the next  
8 grade level; and

9 (5) requires the pupil to demonstrate competence in subject matter for  
10 each class or subject in which the pupil is enrolled as part of the virtual  
11 public charter school.

12 New Sec. 4. (a) There is hereby established the Kansas public  
13 charter school commission. Members of the commission shall be  
14 appointed by the state board. The commission shall consist of nine  
15 members, none of which shall serve concurrently as members of the state  
16 board, as follows:

17 (1) Two members shall be individuals with at least 5 years of  
18 experience working in charter schools or advocating on behalf of charter  
19 schools;

20 (2) one member shall be a member of the united school  
21 administrators of Kansas;

22 (3) two members shall be members of the Kansas chamber of  
23 commerce;

24 (4) one member shall be a member of the Kansas board of regents;

25 (5) one member shall be a member of the Kansas association of  
26 school boards;

27 (6) one member shall be an individual who is licensed by the state  
28 board as a teacher; and

29 (7) one member shall be an individual who is a parent of a student.

30 (b) The purposes of the commission shall be:

31 (1) To authorize public charter schools throughout the state, with an  
32 emphasis on schools designed to expand opportunities for at-risk students;

33 (2) to grant or deny chartering authority to eligible entities;

34 (3) to register local school boards that request chartering authority;  
35 and

36 (4) to resolve disputes between authorizers and public charter  
37 schools.

38 (c) The members of the commission described in subsections (b)(1)  
39 and (2) shall be appointed to serve an initial term of four years. The  
40 members of the commission described in subsections (b)(3) and (4) shall  
41 be appointed to serve an initial term of three years. The members of the  
42 commission described in subsections (b)(5), (6) and (7) shall be appointed  
43 to serve an initial term of two years. The initial appointments to the

1 commission shall be made no later than March 15, 2013. Terms of the  
2 commission members shall expire on March 15. After the expiration of  
3 the terms of the initial members of the commission, or whenever a vacancy  
4 occurs or is announced, such members shall be appointed pursuant to this  
5 section, except that such members shall be appointed for a term of four  
6 years each. In the event of a vacancy, the appointment shall be for the  
7 remainder of the unexpired portion of the term. Each member shall hold  
8 office for the term of appointment and until a successor has been  
9 appointed. Any member is eligible for reappointment, but members shall  
10 not be eligible to serve more than two consecutive terms, including the  
11 initial term of such member. Commission members shall be appointed so  
12 as to ensure statewide geographic diversity.

13 (d) The commission shall annually elect from its membership a  
14 chairperson, a vice-chairperson and a secretary. The commission may  
15 establish standing or special committees, and prescribe the duties and  
16 powers of such committees.

17 (e) Members of the commission attending meetings or subcommittee  
18 meetings authorized by the commission shall be paid mileage and all other  
19 applicable expenses as provided in K.S.A. 75-3223, and amendments  
20 thereto.

21 (f) Members appointed to the commission shall collectively possess  
22 strong experience and expertise in public and nonprofit governance,  
23 management and finance, public school leadership, assessment, curriculum  
24 and instruction and public education law. All members of the commission  
25 shall have demonstrated understanding of and commitment to charter  
26 schooling as a strategy for strengthening public education.

27 (g) A member of the commission may be removed for any cause that  
28 renders the member incapable or unfit to discharge the duties of the office.

29 (h) The commission is authorized to receive and expend gifts, grants  
30 and donations of any kind from any public or private entity to carry out the  
31 purposes of sections 1 through 44, and amendments thereto, subject to the  
32 terms and conditions under which such gifts, grants or donations are given,  
33 provided that all such terms and conditions are permissible under law.

34 (i) The commission shall operate with dedicated resources and staff  
35 qualified to execute the day-to-day responsibilities of public charter school  
36 authorizing in accordance with sections 1 through 44, and amendments  
37 thereto.

38 New Sec. 5. (a) The Kansas public charter school commission  
39 established under section 4, and amendments thereto, may authorize public  
40 charter schools anywhere in the state, provided that the commission fulfills  
41 the requirements of all public charter school authorizers under sections 1  
42 through 44, and amendments thereto.

43 (b) Any local school board that is operating a public charter school

1 prior to the effective date of this act and intends to continue the operation  
2 of such public charter school, or any local school board that intends to  
3 operate a public charter school pursuant to sections 1 through 44, and  
4 amendments thereto, shall register with the commission, pursuant to  
5 section 6, and amendments thereto, for chartering authority within the  
6 boundaries of the school district governed by such local school board.

7 (c) The governing body of an accredited public or private  
8 postsecondary educational institution may apply to the commission,  
9 pursuant to section 7, and amendments thereto, for statewide, regional or  
10 local chartering authority, in accordance with such institution's regular  
11 operating jurisdiction.

12 (d) The governing body of any county or city may apply to the  
13 commission, pursuant to section 7, and amendments thereto, for chartering  
14 authority within such county or city's jurisdiction.

15 (e) The governing body of any nonprofit or charitable organization,  
16 which is exempt from federal income taxation pursuant to sections 501(c)  
17 (3) or 501(c)(6) of the internal revenue code of 1986, may apply to the  
18 commission, pursuant to section 7, and amendments thereto, for statewide,  
19 regional or local chartering authority. Private sectarian or religious  
20 organizations, and any other charitable organization which describes its  
21 activities as indicating a religious purpose on part IV of its federal form  
22 1023 shall not be eligible to be an authorizer.

23 New Sec. 6. (a) By July 1 of each year, the commission shall  
24 provide information regarding registration as a public charter school  
25 authorizer, including a registration deadline, to all local school boards. To  
26 register as an authorizer, each local school board must submit the  
27 following information in a form and manner as prescribed by the  
28 commission:

29 (1) Notification of intent to serve as an authorizer in accordance with  
30 sections 1 through 44, and amendments thereto;

31 (2) a description of the local school board's strategic vision for  
32 authorizing public charter schools;

33 (3) a description of the local school board's budget, personnel  
34 capacity and commitment to execute the duties and functions of  
35 authorizing public charter schools;

36 (4) a description of how the local school board will solicit public  
37 charter school applicants;

38 (5) a description or outline of the performance framework the local  
39 school board will use to guide the formation of a charter contract and for  
40 ongoing oversight and evaluation of public charter schools;

41 (6) a draft of the local school board's renewal, revocation and  
42 nonrenewal procedures; and

43 (7) a statement of assurance that the local school board commits to

1 serving as an authorizer in fulfillment of the expectations, spirit and intent  
2 of sections 1 through 44, and amendments thereto, and will fully  
3 participate in any authorizer training provided or required by the  
4 commission.

5 (b) Within 30 days of receipt of a local school board's registration  
6 materials, the commission shall register the local school board as an  
7 authorizer within the boundaries of such local school board's school  
8 district, and shall provide the local school board a letter confirming its  
9 registration as an authorizer. No local school board shall engage in any  
10 authorizer functions without being registered as an authorizer with the  
11 commission. Once registered, the local school board's registration as an  
12 authorizer shall continue from year to year, provided that the local school  
13 board fulfills all duties and obligations of an authorizer set forth in  
14 sections 1 through 44, and amendments thereto, and remains an authorizer  
15 in good standing with the commission.

16 (c) Any local school board that is operating a public charter school  
17 under the provisions of K.S.A. 72-1903 *et seq.*, and amendments thereto,  
18 prior to their repeal, on the effective date of this act and intends to  
19 continue the operation of such public charter school shall be required to  
20 register pursuant to this section. Such local school board shall be  
21 permitted to continue the operation of any such public charter school prior  
22 to and during the process of registering, provided such local school board  
23 registers on or before July 1, 2013.

24 New Sec. 7. (a) The commission shall establish an application and  
25 approval process to apply for chartering authority. By July 1 of each year,  
26 the commission shall make available information and guidelines for all  
27 eligible entities concerning the opportunity to apply for chartering  
28 authority. The application process shall require each eligible entity  
29 applying for such authority to submit the following information in a form  
30 and manner as prescribed by the commission:

31 (1) Notification of intent to serve as an authorizer in accordance with  
32 sections 1 through 44, and amendments thereto;

33 (2) a description of the authorizer applicant's strategic vision for  
34 authorizing public charter schools;

35 (3) a description of the authorizer applicant's budget, personnel  
36 capacity and commitment to execute the duties and functions of  
37 authorizing public charter schools;

38 (4) a description or outline of the request for proposals that the  
39 authorizer applicant would, if approved as an authorizer, issue to solicit  
40 public charter school applications;

41 (5) a description or outline of the performance framework that the  
42 authorizer applicant would, if approved as an authorizer, use to guide the  
43 formation of a charter contract and for ongoing oversight and evaluation of

1 public charter schools;

2 (6) a draft of the authorizer applicant's renewal, revocation and  
3 nonrenewal procedures;

4 (7) a statement of assurance that the authorizer applicant seeks to  
5 serve as an authorizer in fulfillment of the expectations, spirit and intent of  
6 sections 1 through 44, and amendments thereto, and that if approved as an  
7 authorizer, the authorizer applicant will fully participate in any authorizer  
8 training provided or required by the commission; and

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

12 (b) By October 1 of each year, the commission shall determine  
13 whether to grant or deny chartering authority to each authorizer applicant.  
14 The commission shall make its decisions on the merits of each authorizer  
15 applicant's proposal and plans taking into consideration the extent to  
16 which such proposal and plans conform to the requirements of sections 1  
17 through 44, and amendments thereto.

18 (c) Within 30 days of the commission's decision, the commission  
19 shall execute a renewable authorizing contract with each authorizer  
20 applicant it has approved for chartering authority. The initial term of each  
21 authorizing contract shall be six years. The authorizing contract shall  
22 specify each approved entity's agreement to serve as an authorizer in  
23 accordance with sections 1 through 44, and amendments thereto, and shall  
24 specify additional performance terms based on the entity's proposal and  
25 plans. No approved entity shall commence authorizer activities without an  
26 authorizing contract in effect. The commission shall provide written  
27 notice to any authorizer applicant that is not approved for chartering  
28 authority, including the specific reasons for nonapproval.

29 New Sec. 8. (a) Authorizers shall have the following powers and  
30 duties:

31 (1) Soliciting and evaluating public charter school applications;

32 (2) approving public charter school applications that meet identified  
33 educational needs, promote a diversity of educational choices and satisfy  
34 the requirements of sections 1 through 44, and amendments thereto;

35 (3) denying public charter school applications that fail to satisfy the  
36 requirements of sections 1 through 44, and amendments thereto, or the  
37 request for proposal criteria established by the authorizer;

38 (4) negotiating and executing public charter school contracts with  
39 each approved public charter school;

40 (5) monitoring, in accordance with charter contract terms, the  
41 performance and legal compliance of public charter schools approved by  
42 the authorizer; and

43 (6) determining whether each charter contract merits renewal,



1 nonrenewal or revocation.

2 (b) The power of authorizers to oversee and regulate public charter  
3 schools shall be limited to those powers and duties specified in sections 1  
4 through 44, and amendments thereto, and shall be consistent with the spirit  
5 and intent of sections 1 through 44, and amendments thereto. An  
6 authorizer may delegate its duties and powers to officers or employees of  
7 the authorizer.

8 (c) An authorizer, members of the governing board of an authorizer in  
9 such member's official capacity and employees of an authorizer shall be  
10 immune from civil and criminal liability with respect to all activities  
11 related to any public charter school authorized by such authorizer.

12 New Sec. 9. All authorizers shall be required to develop and maintain  
13 chartering policies and practices consistent with nationally recognized  
14 principles and standards for quality charter authorizing in all major areas  
15 of authorizing responsibility, including, but not limited to: (a)  
16 Organizational capacity and infrastructure; (b) soliciting and evaluating  
17 charter applications; (c) performance contracting; (d) ongoing public  
18 charter school oversight and evaluation; and (e) charter renewal decision-  
19 making. Authorizers shall act in a manner consistent with such nationally  
20 recognized principles and standards and with the spirit and intent of  
21 sections 1 through 44, and amendments thereto. Evidence of an  
22 authorizer's material or persistent failure to satisfy the requirements of this  
23 section shall constitute grounds for the revocation of such authorizer's  
24 authorizing powers and termination of the authorizing contract.

25 New Sec. 10. On or before January 15, every authorizer shall submit  
26 to the commission a written annual report in the form and manner  
27 prescribed by the commission which shall provide a summary of the  
28 following:

29 (a) The authorizer's strategic vision for authorizing public charter  
30 schools and the progress toward achieving that vision;

31 (b) the academic and financial performance of all operating public  
32 charter schools overseen by the authorizer;

33 (c) the status of the authorizer's public charter school portfolio which  
34 shall identify the public charter schools authorized by such authorizer as  
35 follows: (1) Approved, but not yet open; (2) operating; (3) renewed; (4)  
36 transferred; (5) revoked; (6) not renewed; (7) voluntarily closed; or (8)  
37 never opened.

38 (d) the authorizing functions provided by the authorizer to the public  
39 charter schools it oversees, including the authorizer's operating costs and  
40 expenses detailed in annual audited financial statements that conform with  
41 generally accepted accounting principles; and

42 (e) the services purchased from the authorizer by the public charter  
43 schools it oversees, including an itemized accounting of the actual costs of

1 these services as required in section 20, and amendments thereto.

2 New Sec. 11. (a) For the purpose of paying the expenses incurred  
3 in overseeing public charter schools, the state board shall remit to each  
4 authorizer that is not a school district an oversight fee for each public  
5 charter school it authorizes. The oversight fee shall be drawn from and  
6 calculated as a uniform percentage of the state financial aid distributed to  
7 each authorizer under section 34, and amendments thereto, which  
8 percentage shall not exceed 1% of each authorizer's state financial aid in a  
9 single school year. The state board shall establish a statewide formula for  
10 authorizer funding, which shall apply uniformly to every authorizer in the  
11 state that is not a school district. The state board may establish a sliding  
12 scale for authorizer funding, with the funding percentage decreasing after  
13 the authorizer has achieved a certain threshold, such as after a certain  
14 number of years of authorizing public charter schools or after a certain  
15 number of schools have been authorized.

16 (b) An authorizer's oversight fee shall not include any costs incurred  
17 in delivering services that a public charter school may purchase at its  
18 discretion from the authorizer. The authorizer shall use the funding  
19 provided under this section exclusively for the purpose of fulfilling  
20 authorizing duties and functions required by sections 1 through 44, and  
21 amendments thereto.

22 (c) Each year the state board shall review the effectiveness of the  
23 state formula for authorizer funding, and shall adjust the formula if  
24 necessary to maximize public benefit and strengthen the implementation of  
25 sections 1 through 44, and amendments thereto.

26 New Sec. 12. No employee, trustee, agent or representative of an  
27 authorizer may concurrently serve as an employee, trustee, agent,  
28 representative, vendor or contractor of a public charter school authorized  
29 by such authorizer.

30 New Sec. 13. No public or private entity, other than those expressly  
31 granted chartering authority as set forth in sections 1 through 44, and  
32 amendments thereto, may assume any authorizing duties or functions in  
33 any form.

34 New Sec. 14. (a) The commission shall be responsible for  
35 overseeing the performance and effectiveness of all authorizers. The  
36 commission may initiate a review of an authorizer if the commission is  
37 presented with complaints concerning the performance or operation of  
38 such authorizer or of any public charter school authorized by such  
39 authorizer, or a review may be initiated under certain circumstances  
40 prescribed in rules and regulations adopted by the commission. In  
41 reviewing or evaluating the performance of authorizers the commission  
42 shall apply nationally recognized principles and standards for quality  
43 charter authorizing. If at any time the commission finds that an authorizer

1 is not in compliance with an existing charter contract, its authorizing  
2 contract or the requirements of sections 1 through 44, and amendments  
3 thereto, the commission shall notify the authorizer in writing of the  
4 identified problems, and the authorizer shall have a reasonable opportunity  
5 to respond and remedy such problems.

6 (b) If a local school board registered as an authorizer pursuant to  
7 section 6, and amendments thereto, persists, after due notice from the  
8 commission, in violating a material provision of a charter contract or fails  
9 to remedy other authorizing problems, the commission shall notify the  
10 local school board that it intends to terminate the local school board's  
11 chartering authority unless the local school board demonstrates a timely  
12 and satisfactory remedy for the violations or deficiencies.

13 (c) If an authorizer granted chartering authority pursuant to section 7,  
14 and amendments thereto, persists, after due notice from the commission, in  
15 violating a material provision of a charter contract or its authorizing  
16 contract with the commission or fails to remedy other identified  
17 authorizing problems, the commission shall notify the authorizer that it  
18 intends to revoke the authorizer's chartering authority and terminate the  
19 authorizing contract unless the authorizer demonstrates a timely and  
20 satisfactory remedy for the violations or deficiencies.

21 (d) In the event of revocation of any authorizer's chartering authority,  
22 the commission shall manage the timely and orderly transfer of each  
23 charter contract held by such authorizer to another authorizer, with the  
24 mutual agreement of each affected public charter school and proposed new  
25 authorizer. The new authorizer shall assume the existing charter contract  
26 for the remainder of the charter term.

27 New Sec. 15. All public charter schools in operation prior to the  
28 effective date of this act shall not be required to submit an application for  
29 approval under section 16, and amendments thereto, to such school's  
30 authorizer, provided the authorizer obtains charter authority pursuant to  
31 section 5, and amendments thereto, and a charter contract is executed  
32 between the authorizer and the public charter school in accordance with  
33 the provisions of section 19, and amendments thereto.

34 New Sec. 16. (a) Each year the commission shall establish and  
35 publish a statewide timeline for public charter school approval decisions,  
36 which shall apply to all authorizers. In accordance with such timeline,  
37 every authorizer shall issue and publish a request for proposals. The  
38 content and distribution of the request for proposals shall be consistent  
39 with the purposes and requirements of sections 1 through 44, and  
40 amendments thereto.

41 (b) The purposes of the public charter school application are to  
42 present the proposed public charter school's academic and operational  
43 vision and plans, demonstrate the applicant's capacities to execute the

1 proposed vision and plans and provide the authorizer a clear basis for  
2 assessing the applicant's plans and capacities. An approved public charter  
3 school application shall not serve as the school's charter contract.

4 (c) Each authorizer's request for proposals shall:

5 (1) Present the authorizer's strategic vision for chartering, including a  
6 statement of any preferences the authorizer wishes to grant to applications  
7 that help at-risk students;

8 (2) include or otherwise direct applicants to the performance  
9 framework that the authorizer has developed for the oversight and  
10 evaluation of public charter schools;

11 (3) include any criteria the authorizer intends to utilize in rendering  
12 its decision to approve or deny a public charter school application;

13 (4) include detailed instructions concerning the format and content  
14 necessary for applicants to demonstrate the capacities necessary to  
15 establish and operate a successful public charter school; and

16 (5) require applicants to provide or describe the following elements of  
17 the proposed public charter school plan:

18 (A) An executive summary;

19 (B) the mission and vision of the proposed public charter school,  
20 including identification of the targeted student population and the  
21 community the school hopes to serve;

22 (C) the location or geographic area proposed for the school;

23 (D) the grades to be served each year for the full term of the charter  
24 contract;

25 (E) the minimum, maximum and planned enrollment per grade per  
26 year for the term of the charter contract;

27 (F) evidence of need and community support for the proposed public  
28 charter school;

29 (G) background information on the proposed governing board  
30 members and, if identified, the proposed school leadership and  
31 management team;

32 (H) the school's proposed calendar and sample of the daily schedule;

33 (I) a description of the academic program;

34 (J) a description of the school's instructional design, including the  
35 type of learning environment, such as classroom-based or independent  
36 study, class size and structure, curriculum overview and teaching methods;

37 (K) the school's plan for using internal and external assessments to  
38 measure and report student progress on the performance framework  
39 developed by the authorizer;

40 (L) the school's plans for identifying and successfully serving  
41 students with disabilities, students who are English language learners,  
42 students who are academically behind and gifted students, including, but  
43 not limited to, compliance with all applicable federal laws and regulations;

- 1 (M) a description of co-curricular or extracurricular programs and  
2 how they will be funded and delivered;
- 3 (N) plans and timelines for student recruitment and enrollment,  
4 including lottery procedures;
- 5 (O) the school's student discipline policies, including those for  
6 special education students;
- 7 (P) an organizational chart that presents the school's organizational  
8 structure, including lines of authority and reporting between the governing  
9 board, staff, any related bodies, such as advisory bodies or parent and  
10 teacher councils, and any external organizations that will play a role in  
11 managing the school;
- 12 (Q) a description of the roles and responsibilities for the governing  
13 board, the school's leadership and management team and any other entities  
14 shown in the organizational chart;
- 15 (R) a staffing chart for the school's first year, and a staffing plan for  
16 the term of the charter contract;
- 17 (S) plans for recruiting and developing school leadership and staff;
- 18 (T) the school's leadership and teacher employment policies,  
19 including performance evaluation plans;
- 20 (U) proposed governing bylaws;
- 21 (V) explanations of any partnerships or contractual relationships  
22 related to the school's operation or mission;
- 23 (W) the school's plans for providing transportation, food service and  
24 all other significant operational or ancillary services;
- 25 (X) opportunities and expectations for parent involvement;
- 26 (Y) a detailed school start-up plan, identifying tasks, timelines and  
27 responsible individuals;
- 28 (Z) a description of the school's financial plan and policies, including  
29 financial controls and audit requirements;
- 30 (AA) a description of the insurance coverage the school will obtain;
- 31 (BB) start-up and five-year budgets with stated assumptions;
- 32 (CC) start-up and first-year cash-flow projections with stated  
33 assumptions;
- 34 (DD) evidence of anticipated fundraising contributions, if claimed in  
35 the application; and
- 36 (EE) a facilities plan, including backup or contingency plans, if  
37 appropriate.
- 38 (d) Applicants shall not submit an application for a particular public  
39 charter school to more than one authorizer at any one time.
- 40 (e) In the case of an application to establish a public charter school by  
41 converting an existing public school to public charter school status, the  
42 request for proposals shall additionally require the applicants to  
43 demonstrate support for the proposed public charter school conversion by

1 a petition signed by a majority of teachers and a petition signed by a  
2 majority of parents of students in the existing public school.

3 (f) In the case of an application to establish a virtual public charter  
4 school, the request for proposals shall additionally require the applicants to  
5 describe the proposed school's system of course credits and how the  
6 school will:

7 (1) Monitor and verify full-time student enrollment, student  
8 participation in a full course load, credit accrual and course completion;

9 (2) monitor and verify student progress and performance in each  
10 course through regular, proctored assessments and submissions of  
11 coursework;

12 (3) conduct parent-teacher conferences; and

13 (4) administer state-required assessments to all students in a  
14 proctored setting.

15 (g) In the case of an application for a public charter school that  
16 intends to contract with an education service provider for substantial  
17 educational services, management services, or both, the request for  
18 proposal shall require the applicant to:

19 (1) Provide evidence of the education service provider's success in  
20 serving student populations similar to the targeted population, including  
21 demonstrated academic achievement and successful management of  
22 nonacademic school functions, if applicable;

23 (2) provide a term sheet setting forth the following: (A) The proposed  
24 duration of the service contract; (B) the roles and responsibilities of the  
25 governing board, the school staff and the service provider; (C) the scope of  
26 services and resources to be provided by the service provider; (D) the  
27 performance evaluation measures and timelines; (E) the compensation  
28 structure, including identification of all fees to be paid to the service  
29 provider; (F) the methods of contract oversight and enforcement; (G) any  
30 investment disclosure; and (H) the conditions for renewal or termination of  
31 the contract; and

32 (3) disclose and explain any existing or potential conflicts of interest  
33 between the governing board and the proposed education service provider  
34 or any business entities affiliated with the education service provider.

35 (h) In the case of an application for a public charter school that  
36 currently operates one or more schools in this state, any other state or any  
37 foreign country, the request for proposal shall require the applicant to  
38 provide evidence of past performance and current capacity for growth.

39 New Sec. 17. (a) In reviewing and evaluating charter school  
40 applications, authorizers shall employ procedures, practices and criteria  
41 consistent with nationally recognized principles and standards for charter  
42 school authorizing. The application review process shall include an  
43 evaluation of each application, an in-person interview with the applicant or

1 applicants, as the case may be, and a public hearing to permit local  
2 residents to learn about and provide input on each application.

3 (b) In determining whether to approve a charter school application,  
4 authorizers shall:

5 (1) Grant charters only to applicants that have demonstrated  
6 competence in each element of the authorizer's published approval criteria  
7 and are likely to open and operate a successful public charter school;

8 (2) base decisions on documented evidence collected through the  
9 application review process; and

10 (3) follow charter-granting policies and practices that are transparent,  
11 based on merit and avoid conflicts of interest or any appearance thereof.

12 (c) No later than 60 days after the filing of a charter school  
13 application, the authorizer shall adopt a resolution approving or denying  
14 such application in an open meeting of the authorizer's governing board.  
15 A resolution approving a charter school application may include, if  
16 appropriate, reasonable conditions that the applicant must satisfy prior to  
17 the execution of a charter contract. A resolution denying a charter school  
18 application shall state the reasons for such denial. Upon denial an  
19 applicant may subsequently reapply to that authorizer or apply to any other  
20 authorizer.

21 (d) Within 30 days of adoption of a resolution pursuant to this  
22 section, the authorizer shall report to the commission the action it has  
23 taken with respect to an applicant. The authorizer also shall provide a  
24 copy of the report to the applicant at the time the report is submitted to the  
25 commission. The report shall include a copy of the resolution, the reasons  
26 for the decision and a statement of assurance that the authorizer and the  
27 applicant are in compliance with all of the procedural and application  
28 requirements of sections 1 through 44, and amendments thereto.

29 New Sec. 18. An initial charter shall be granted for a term of five  
30 operating years. The charter term shall commence on the public charter  
31 school's first day of operation. An approved public charter school may  
32 delay its opening for one school year in order to plan and prepare for the  
33 school's opening. If the school requires an opening delay of more than  
34 one school year, the school shall request an extension from its authorizer.  
35 The authorizer may grant or deny the extension depending on the  
36 particular school's circumstances.

37 New Sec. 19. (a) After approval of a charter school application, the  
38 authorizer and the governing board of the approved public charter school  
39 shall execute a charter contract that sets forth the academic and operational  
40 performance expectations and measures by which the public charter school  
41 will be judged and the administrative relationship between the authorizer  
42 and public charter school, including each party's rights and duties. The  
43 performance expectations and measures set forth in the charter contract

1 shall include, but are not limited to, applicable federal and state  
2 accountability requirements. The performance provisions may be  
3 amended by mutual written agreement between the parties after the public  
4 charter school is operating and has collected baseline achievement data for  
5 its enrolled students.

6 (b) The charter contract for a virtual public charter school shall  
7 include a description of the methods by which the school will:

8 (1) Monitor and verify full-time student enrollment, student  
9 participation in a full course load, credit accrual and course completion;

10 (2) monitor and verify student progress and performance in each  
11 course through regular, proctored assessments and submissions of  
12 coursework;

13 (3) conduct parent-teacher conferences; and

14 (4) administer state-required assessments to all students in a  
15 proctored setting.

16 (c) The charter contract shall be signed by the president of the  
17 authorizer's governing board and the president of the public charter  
18 school's governing board. Within 30 days of executing a charter contract,  
19 the authorizer shall submit to the commission written notification of the  
20 charter contract execution, including a copy of the executed charter  
21 contract and any attachments.

22 (d) To the extent approved by the authorizer and consistent with all  
23 applicable laws, a charter contract may govern one or more schools, or a  
24 governing board may be a party to one or more charter contracts. In either  
25 event, each public charter school that is part of a charter contract shall be  
26 separate and distinct from any other public charter schools governed by the  
27 same charter contract or by the same governing board.

28 (e) No public charter school shall commence operations without a  
29 charter contract executed in accordance with this section and approved at  
30 an open meeting of the authorizer's governing board.

31 (f) The parties may include in the charter contract any reasonable  
32 requirements or conditions the authorizer deems necessary prior to the  
33 opening of the public charter school in order to monitor the start-up  
34 progress of such newly authorized public charter school, ensure that such  
35 school is prepared to open on the date set forth in the charter contract, and  
36 ensure that such school meets all building, health, safety, insurance and  
37 other legal requirements for the opening of a public charter school.

38 (g) Except as otherwise provided by law, the powers, obligations and  
39 responsibilities set forth in the charter contract cannot be delegated or  
40 assigned by either party.

41 New Sec. 20. (a) With the exception of oversight services as  
42 required by section 9, and amendments thereto, no public charter school  
43 shall be required, expressly or implicitly, to purchase services from its



1 authorizer as a condition of approval of a charter school application or of  
2 execution of a charter contract.

3 (b) A public charter school, at its sole discretion, may choose to  
4 purchase services from its authorizer. In such event, the public charter  
5 school and the authorizer shall execute an annual written service contract,  
6 separate from the charter contract, stating the parties' mutual agreement  
7 concerning any services to be provided by the authorizer and any service  
8 fees to be charged to the public charter school. An authorizer may not  
9 charge more than fair market rates for services provided to a public charter  
10 school.

11 (c) Within 30 days after the end of each fiscal year, each authorizer  
12 shall provide to each public charter school it oversees an itemized  
13 accounting of the actual costs of services purchased by the public charter  
14 school from the authorizer. Any difference between the amount initially  
15 charged to the public charter school and the actual cost shall be reconciled  
16 and paid to the party that is owed the difference. If either party disputes  
17 the itemized accounting, the charges included in such accounting, or the  
18 charges to either party, such party is entitled to request a review by the  
19 commission whose determination shall be final. Such review shall be  
20 conducted in accordance with section 26, and amendments thereto.

21 New Sec. 21. (a) Except as provided in subsection (b), the  
22 following shall apply with respect to enrollment in any public charter  
23 school:

24 (1) A public charter school shall be open to any student residing in  
25 the state;

26 (2) a school district shall not require any student enrolled in the  
27 school district to attend a public charter school;

28 (3) a public charter school shall not limit admission based on  
29 ethnicity, national origin, religion, gender, income level, disabling  
30 condition, proficiency in the English language or academic or athletic  
31 ability;

32 (4) a public charter school may limit admission to students within a  
33 given age group or grade level and may be organized around a special  
34 emphasis, theme or concept as stated in the school's application.

35 (5) a public charter school shall enroll all students who wish to attend  
36 the school, unless the number of students exceeds the capacity of a  
37 program, class, grade level or building; and

38 (6) if capacity is insufficient to enroll all students wanting to attend  
39 the school, the public charter school shall select students through a lottery.

40 (b) (1) Any public school converting to a public charter school shall  
41 adopt and maintain a policy giving enrollment preference to students who  
42 reside within the former attendance area of such public school.

43 (2) A public charter school shall give enrollment preference to

1 students enrolled in the public charter school the previous school year and  
2 to siblings of students already enrolled in the public charter school. An  
3 enrollment preference for returning students excludes those students from  
4 entering into a lottery.

5 (3) A public charter school may give enrollment preference to  
6 children of a public charter school's founders, members of the governing  
7 board and full-time employees, provided such students constitute no more  
8 than 10% of the school's total student enrollment.

9 (4) This section does not preclude the formation of a public charter  
10 school whose mission is focused on serving students with disabilities,  
11 students of the same gender, students who pose such severe disciplinary  
12 problems that such students warrant a specific educational program or  
13 students who are at risk of academic failure. If capacity is insufficient to  
14 enroll all students wanting to attend such school, the public charter school  
15 shall select students through a lottery.

16 (c) If a student who was previously enrolled in a public charter school  
17 enrolls in another public school in this state, the student's new school shall  
18 accept credits earned by the student in courses or instructional programs at  
19 the public charter school in a uniform and consistent manner and  
20 according to the same criteria used to accept academic credits from other  
21 public schools.

22 (d) A school district shall provide or publicize to parents and the  
23 general public information about public charter schools authorized by the  
24 school district as an enrollment option within the school district to the  
25 same extent and through the same means that the school district provides  
26 and publicizes information about public schools in the school district.

27 (e) An authorizer shall not restrict the number of students a public  
28 charter school may enroll. The capacity of the public charter school shall  
29 be determined annually by the governing board of the public charter  
30 school in conjunction with the authorizer and in consideration of the public  
31 charter school's ability to facilitate the academic success of its students, to  
32 achieve the other objectives specified in the charter contract and to ensure  
33 that its student enrollment does not exceed the capacity of its facility or  
34 site.

35 New Sec. 22. (a) A charter contract shall include public charter  
36 school performance provisions that shall be based on a performance  
37 framework established by the authorizer that sets forth the academic and  
38 operational performance indicators, measures and metrics that are the basis  
39 for the authorizer's evaluations of each public charter school. The  
40 performance framework shall include, but not be limited to, the following  
41 indicators, measures and metrics:

- 42 (1) Student academic proficiency;
- 43 (2) student academic growth;

1 (3) achievement gaps in both proficiency and growth between major  
2 student subgroups;

3 (4) attendance;

4 (5) recurrent enrollment from year to year;

5 (6) postsecondary readiness for public charter schools offering grades  
6 10 through 12;

7 (7) financial performance and sustainability; and

8 (8) governing board performance and stewardship, including  
9 compliance with all applicable laws, regulations and terms of the charter  
10 contract.

11 (b) The performance framework shall permit a public charter school  
12 to adopt additional rigorous, valid and reliable indicators, measures and  
13 metrics that the school's governing board deems necessary to augment  
14 external evaluations of the school's performance, provided the authorizer  
15 approves such indicators, measures and metrics, and such indicators,  
16 measures and metrics are consistent with the provisions of sections 1  
17 through 44, and amendments thereto.

18 (c) The performance framework shall require the disaggregation of all  
19 student performance data by the following major student subgroups: (1)  
20 Gender; (2) race; (3) poverty status; (4) special education status; (5)  
21 English language learner status; and (6) gifted status.

22 (d) For each public charter school it oversees, the authorizer shall be  
23 responsible for collecting, analyzing and reporting all data from state  
24 assessments in accordance with the performance framework.

25 (e) Multiple schools operating under a single charter contract or  
26 overseen by a single governing board shall be required to report each  
27 school's performance independent of any other schools, and each school  
28 shall be held independently accountable for such school's performance.

29 New Sec. 23. (a) An authorizer shall monitor the performance and  
30 legal compliance of all public charter schools that such authorizer has  
31 authorized. Such monitoring shall include collecting and analyzing  
32 performance data as part of the authorizer's evaluation of such schools in  
33 accordance with the charter contract. Every authorizer shall have the  
34 authority to conduct any oversight activities that the authorizer deems  
35 necessary to fulfill such authorizer's duties and functions under sections 1  
36 through 44, and amendments thereto. Such oversight activities may  
37 include, but are not limited to, reviewing relevant documents and accounts  
38 held by the school and conducting appropriate inquiries and investigations  
39 into the operation of the school, provided such oversight activities are  
40 consistent with the spirit and intent of sections 1 through 44, and  
41 amendments thereto, adhere to the terms of the charter contract and do not  
42 unduly inhibit the autonomy granted to public charter schools by sections  
43 1 through 44, and amendments thereto.

1 (b) As part of the annual review of each public charter school, the  
2 public charter school and its authorizer shall establish annual performance  
3 goals designed to help each school meet applicable federal, state and  
4 authorizer requirements.

5 (c) If an authorizer finds a public charter school's performance or  
6 legal compliance to be unsatisfactory, the authorizer shall notify the public  
7 charter school of such unsatisfactory condition and provide the school a  
8 reasonable opportunity to remedy the condition. An authorizer may take  
9 appropriate corrective actions against or impose sanctions on any public  
10 charter school found to have deficiencies in its performance or legal  
11 compliance. Such actions or sanctions may include requiring such school  
12 to develop and execute a corrective action plan within a time specified by  
13 the authorizer.

14 (d) If a public charter school is unwilling or unable to correct a  
15 deficiency in its performance or legal compliance, or such deficiency is of  
16 a serious nature so as to warrant revocation of such school's charter, the  
17 authorizer may revoke such school's charter in accordance with the  
18 provisions of section 24, and amendments thereto.

19 (e) Each authorizer shall annually publish and provide, as part of its  
20 annual report to the commission and the legislature, a performance report  
21 for each public charter school it oversees. The authorizer may require  
22 each public charter school it oversees to submit an annual report to assist  
23 the authorizer in gathering complete information about each school.

24 New Sec. 24. (a) An authorizer may renew a charter for up to five  
25 years depending on the performance, demonstrated capacities and  
26 particular circumstances of each public charter school. An authorizer may  
27 include specific conditions for necessary improvements to a public charter  
28 school as part of any charter renewal.

29 (b) On or before October 1, an authorizer shall issue a public charter  
30 school performance report and charter renewal application guidelines to  
31 any public charter school whose charter will expire the following year.  
32 The performance report shall summarize the public charter school's  
33 performance record to date, based on the performance data collected by  
34 the authorizer pursuant to section 22, and amendments thereto. The  
35 performance report shall provide notice of any weaknesses or concerns the  
36 authorizer finds regarding the operation of the public charter school that  
37 may jeopardize the renewal of the school's charter if not timely rectified.  
38 The public charter school shall have 30 days to respond to the performance  
39 report and submit any corrections or clarifications for the report.

40 (c) The renewal application guidelines shall provide an opportunity  
41 for the public charter school to:

42 (1) Present additional evidence, beyond the performance data  
43 contained in the performance report, supporting the school's case for

1 charter renewal;

2 (2) describe improvements undertaken or planned for the school; and

3 (3) detail the school's plans for the next charter term.

4 (d) The renewal application guidelines shall include or refer explicitly  
5 to the criteria the authorizer will consider in making its renewal decision.  
6 Such criteria shall be based on the performance framework set forth in the  
7 charter contract.

8 (e) On or before December 1, the governing board of a public charter  
9 school seeking renewal shall submit a renewal application to the authorizer  
10 pursuant to the renewal application guidelines. Within 60 days after the  
11 renewal application is filed, the authorizer shall adopt a resolution  
12 approving or denying the renewal application.

13 (f) In making charter renewal decisions, each authorizer shall:

14 (1) Base its decision on the school's performance over the term of the  
15 charter contract in accordance with the performance framework set forth in  
16 the charter contract;

17 (2) ensure that performance data considered by the authorizer is  
18 available to the school and the public; and

19 (3) publish a report summarizing the basis for each decision.

20 (g) A charter contract may be revoked or a charter renewal  
21 application may be denied if the authorizer determines that the public  
22 charter school failed to comply with any of the provisions of sections 1  
23 through 44, and amendments thereto, including, but not limited to, the  
24 following:

25 (1) A material and substantial violation of any of the terms,  
26 conditions, standards or procedures required by sections 1 through 44, and  
27 amendments thereto, or the charter contract;

28 (2) failure to meet or make sufficient progress toward the  
29 performance goals set forth in the charter contract;

30 (3) failure to meet generally accepted standards of fiscal management  
31 as set forth in the charter contract; or

32 (4) a material and substantial violation of any provision of law from  
33 which the public charter school is not exempted.

34 (h) An authorizer shall adopt policies and procedures for the  
35 revocation or nonrenewal of a charter. Such policies and procedures shall  
36 include, but not be limited to:

37 (1) Providing the governing board of the public charter school with  
38 notification within a reasonable time that the authorizer is considering the  
39 revocation or nonrenewal of the charter, and of the specific reasons for  
40 such action;

41 (2) providing the governing board of the public charter school with a  
42 reasonable amount of time in which to prepare a response to the  
43 notification;

1 (3) providing for a hearing at which the governing board of the public  
2 charter school may submit documents and provide testimony rebutting the  
3 rationale for revocation or nonrenewal and supporting the continuation of  
4 the public charter school;

5 (4) permitting the governing board of the public charter school to  
6 obtain representation by counsel and to call witnesses on the school's  
7 behalf during any such hearing; and

8 (5) permitting the recording of any such hearing.

9 (i) If an authorizer revokes or decides not to renew a charter, the  
10 authorizer shall adopt a resolution which shall include the specific reasons  
11 for the authorizer's decision.

12 (j) Within 30 days of adoption of a resolution pursuant to this section,  
13 the authorizer shall submit a report on the authorizer's decision to the  
14 commission, and shall provide a copy to the governing board of the public  
15 charter school at the time the report is submitted to the commission. The  
16 report shall include a copy of the resolution, the specific reasons for the  
17 authorizer's decision and a statement of assurance that the authorizer is in  
18 compliance with all of the procedural requirements of sections 1 through  
19 44, and amendments thereto.

20 New Sec. 25. (a) Before any public charter school may be closed,  
21 an authorizer shall adopt policies and procedures for public charter school  
22 closure. Such policies and procedures shall ensure the timely notification  
23 of parents, the orderly transition of students and student records to new  
24 schools and the proper disposition of school funds, property and assets in  
25 accordance with sections 1 through 44, and amendments thereto. The  
26 policies and procedures shall specify the duties and obligations of both the  
27 school and the authorizer in closing the public charter school.

28 (b) Upon closure of a public charter school the assets of such school  
29 shall be distributed first to satisfy outstanding payroll obligations to  
30 employees of the school, then to creditors of the school, if any, and then to  
31 the state treasurer who shall credit such funds to the state general fund. If  
32 the assets of the school are insufficient to pay all obligations of the school,  
33 whether compensation, debt or otherwise, the distribution of such assets  
34 may be determined by court order upon the filing of a petition for such  
35 order by any interested party.

36 New Sec. 26. (a) Any public charter school aggrieved by any action  
37 or decision rendered by such school's authorizer may request, through such  
38 school's governing board, the review of such action or decision within 15  
39 days of receipt of written notice of such action or decision. The request  
40 for review shall be submitted in writing to the commission in such form  
41 and manner as prescribed by the commission. Upon receipt of a timely  
42 request for review, the commission shall conduct a hearing on the matter  
43 and review such action or decision in accordance with the provisions of

1 the Kansas administrative procedure act.

2 (b) Any action of the commission pursuant to this section is subject to  
3 review in accordance with the Kansas judicial review act.

4 New Sec. 27. No charter contract may be transferred to another  
5 authorizer, and no oversight of a public charter school may be transferred  
6 to another authorizer prior to the expiration of the charter term except  
7 upon approval by the commission. The authorizer or public charter school  
8 requesting such transfer shall submit such request in writing to the  
9 commission in such form and manner as prescribed by the commission.  
10 Upon review of such request and a finding that such transfer would be in  
11 the best interests of the students of such public charter school, the  
12 commission may grant such transfer request. The commission shall notify  
13 the current authorizer, the authorizer the public charter school is being  
14 transferred to and the public charter school of the commission's decision.  
15 If a transfer request is granted, the public charter school shall notify the  
16 parents of the students enrolled in such school of the transfer of the charter  
17 contract.

18 New Sec. 28. On or before January 15, 2014, and every January 15  
19 thereafter, the commission shall prepare and submit an annual report on  
20 public charter schools in this state to the governor and the legislature. The  
21 report shall be based on the annual reports submitted by each authorizer, as  
22 well as any additional relevant data compiled by the commission, for the  
23 school year ending in the immediately preceding calendar year. The  
24 annual report shall include a comparison of the performance of public  
25 charter school students with the performance of academically, ethnically  
26 and economically comparable groups of students in public schools. The  
27 annual report also shall include the commission's assessment of the  
28 successes, challenges and areas for improvement in meeting the purpose  
29 and intent of public charter schools set forth in section 2, and amendments  
30 thereto, including the commission's assessment of the sufficiency of  
31 funding for public charter schools and any suggested changes in state law  
32 or policy necessary to strengthen public charter schools.

33 New Sec. 29. (a) A public charter school shall be a nonprofit  
34 education organization. Public charter schools shall be subject to all  
35 federal laws and such other laws and rules and regulations as provided in  
36 sections 1 through 44, and amendments thereto, or as agreed to in the  
37 charter contract, provided the provisions of the charter contract are  
38 consistent with the provisions of sections 1 through 44, and amendments  
39 thereto.

40 (b) Public charter schools shall not be subject to student assessment  
41 and accountability requirements applicable to public schools. However,  
42 public charter schools shall conduct annual student assessments in  
43 accordance with the charter contract.

1 (c) Except as otherwise provided in subsections (d) and (e) and in  
2 sections 1 through 44, and amendments thereto, a public charter school  
3 shall not be subject to any state or local law, rule and regulation or policy  
4 and procedure pertaining to public schools.

5 (d) Public charter schools shall be subject to all civil rights, health  
6 and safety requirements applicable to public schools.

7 (e) Public charter schools and the governing boards thereof shall be  
8 subject to and shall comply with the Kansas open records act and the  
9 Kansas open meetings act.

10 New Sec. 30. (a) A public charter school shall function as a local  
11 educational agency. A public charter school shall meet all requirements of  
12 local educational agencies under federal law, including all laws pertaining  
13 to special education. A public charter school's status as a local educational  
14 agency shall not preclude such school from contracting with school  
15 districts for services, resources or programs, or from otherwise forming  
16 partnerships with school districts for such services, resources or programs.

17 (b) The identification of special education needs and the provision of  
18 special education services for enrolled students shall be the responsibility  
19 of the public charter school. If a student's individualized education  
20 program team determines that the student's needs cannot be met in the  
21 public charter school and the public charter school cannot provide a free  
22 and appropriate public education to that student, then the school district in  
23 which the student resides shall place the student in accordance with the  
24 individualized education program.

25 New Sec. 31. (a) A public charter school shall have the the  
26 following powers:

27 (1) To receive and disburse funds for school purposes;

28 (2) to secure appropriate insurance and to enter into contracts and  
29 leases, which shall not be subject to prevailing wage laws;

30 (3) to contract with an education service provider for the management  
31 and operation of the public charter school, provided the school's governing  
32 board retains oversight authority over the school;

33 (4) to incur debt in reasonable anticipation of the receipt of public or  
34 private funds;

35 (5) to pledge, assign or encumber its assets to be used as collateral for  
36 loans or extensions of credit;

37 (6) to solicit and accept any gifts or grants for school purposes  
38 subject to all applicable laws and the terms of the charter contract;

39 (7) to acquire real property for use as its facility or facilities, from  
40 public or private sources;

41 (8) to sue and be sued in its own name; and

42 (9) any other powers the governing board deems necessary to carry  
43 out the duties and functions of the public charter school under the charter



1 contract, provided such powers are consistent with the provisions of  
2 sections 1 through 44, and amendments thereto.

3 (b) A public charter school shall not discriminate against any person  
4 on the basis of race, creed, color, sex, disability, national origin or any  
5 other category that would be unlawful if done by a noncharter public  
6 school. A public charter school shall not discriminate against any student  
7 on the basis of national origin, minority status or limited proficiency in  
8 English. Consistent with federal civil rights laws, public charter schools  
9 shall provide limited English proficient students with appropriate services  
10 designed to teach them English and the general curriculum.

11 (c) No public charter school may engage in any sectarian practices in  
12 its educational program, admissions or employment policies or operations.

13 (d) A public charter school shall not charge tuition and may only  
14 charge such fees as may be imposed by public schools.

15 New Sec. 32. (a) Public charter schools shall comply with all  
16 applicable federal laws and rules and regulations regarding the  
17 qualification of teachers and other instructional staff. In accordance with  
18 section 29, and amendments thereto, teachers in public charter schools  
19 shall be exempt from the teacher certification requirements established by  
20 the state board.

21 (b) Except as otherwise provided in sections 1 through 44, and  
22 amendments thereto, employees in public charter schools shall have the  
23 same rights and privileges as employees employed by school districts,  
24 including, but not limited to, participation in the Kansas public employees  
25 retirement system, health insurance and other benefits programs, provided  
26 the public charter school chooses to participate in such programs.

27 (c) Teachers and other school personnel, including members of the  
28 governing board, shall be subject to the same criminal history record  
29 checks and fingerprinting requirements applicable to employees employed  
30 by school districts.

31 (d) Public charter school employees shall not be required to be  
32 members of any existing collective bargaining agreement between a school  
33 district and its employees. A public charter school shall not interfere with  
34 laws and other applicable rules protecting the rights of employees to  
35 organize and be free from discrimination. The provisions of article 54 of  
36 chapter 72 of the Kansas Statutes Annotated, and amendments thereto,  
37 shall not apply to any contract, or other agreement for services between the  
38 governing board of a public charter school and any such school's  
39 employees.

40 New Sec. 33. (a) A public charter school shall be eligible to  
41 participate in any state board or school district sponsored interscholastic  
42 leagues, competitions, awards, scholarships and recognition programs for  
43 students, teachers, administrators and schools to the same extent as public

1 schools.

2 (b) A public charter school student shall be eligible to participate in  
3 extracurricular activities not offered by the student's school at:

4 (1) The school within whose attendance boundaries the student's  
5 parent resides; or

6 (2) the public school from which the student withdrew for the  
7 purpose of attending a public charter school.

8 (c) A public charter school student shall be eligible to participate in  
9 extracurricular activities at a public school under the same eligibility  
10 standards applicable to students enrolled on a full-time basis in such public  
11 school.

12 (d) The commission shall adopt rules and regulations for establishing  
13 fees to be paid by public charter school students for participation in  
14 extracurricular activities at public schools. Such rules and regulations  
15 shall provide that:

16 (1) Public charter school students pay fees that are not in excess of  
17 the fees paid by students enrolled on a full-time basis in such public  
18 school;

19 (2) public charter school students are eligible to receive a waiver of  
20 extracurricular fees on the same basis as students enrolled on a full-time  
21 basis in such public school; and

22 (3) for each public charter school student who participates in an  
23 extracurricular activity at a public school, the public charter school shall  
24 pay a prorata share of the costs incurred by the public school for the  
25 extracurricular activity, which prorata share shall be based on the state and  
26 local tax revenues expended by the public school, excluding capital  
27 improvement expenditures, for providing such extracurricular activities  
28 divided by the total student enrollment of the public school.

29 (e) For the purposes of this section, the commission may establish  
30 statewide uniform fees for participation in extracurricular activities by  
31 public charter school students based on the average statewide cost of  
32 providing such activities or average cost within a sample of school  
33 districts.

34 New Sec. 34. (a) Each authorizer shall certify under oath to the  
35 state board a report showing the total enrollment of all of the public charter  
36 schools under the oversight of such authorizer. Such report shall be  
37 prepared and submitted in accordance with K.S.A. 72-6419, and  
38 amendments thereto.

39 (b) (1) Notwithstanding any authorizer fee reductions made pursuant  
40 to section 11, and amendments thereto, for a public charter school  
41 authorized by a school district, the school district shall pay to the public  
42 charter school an amount equal to the total enrollment of the public charter  
43 school multiplied by the general state aid per pupil plus the supplemental

1 general state aid per pupil received by the school district pursuant to  
2 K.S.A. 72-6405 *et seq.*, and amendments thereto.

3 (2) For purposes of this subsection and for calculating enrollment  
4 pursuant to K.S.A. 72-6405 *et seq.*, and amendments thereto, a school  
5 district shall continue to count any student attending a public charter  
6 school authorized by such school district as a pupil of the school district.

7 (c) (1) For each student enrolled in a public charter school authorized  
8 by an authorizer other than a school district, the state board shall distribute  
9 an amount equal to the general state aid per pupil plus the supplemental  
10 general state aid per pupil such student's resident school district would  
11 otherwise be entitled to receive if such student were enrolled in the  
12 resident school district pursuant to K.S.A. 72-6405 *et seq.*, and  
13 amendments thereto, to the authorizer of the public charter school where  
14 such student is enrolled. Notwithstanding any authorizer fee reductions  
15 made pursuant to section 11, and amendments thereto, the authorizer shall  
16 pay to each public charter school under its oversight an amount equal to  
17 the distribution received by such authorizer from the state board based on  
18 the enrollment of such public charter school.

19 (2) For purposes of this subsection and for calculating enrollment  
20 pursuant to K.S.A. 72-6405 *et seq.*, and amendments thereto, a resident  
21 school district shall not count any student attending a public charter school  
22 as a pupil of such resident school district.

23 (3) For purposes of this subsection, "resident school district" means  
24 the school district in which the student resides and would otherwise be  
25 enrolled if the student was not enrolled in a public charter school.

26 (d) Distributions made by the state board pursuant to subsection (c)  
27 shall be made at the same time as general state aid distributions and shall  
28 be made in accordance with the provisions of K.S.A. 72-6417, and  
29 amendments thereto.

30 (e) Payments by authorizers required by this section shall be made in  
31 12 substantially equal payments on the first day of each month. If any  
32 authorizer fails to make a payment required by this section, the state board  
33 shall deduct the amount of such underpayment from the amount to be  
34 distributed to the authorizer and shall pay such amount directly to the  
35 public charter school that is entitled to receive such funds.

36 (f) Amounts payable to a public charter school during its first year of  
37 operations shall be based on first year enrollment projections as  
38 established in the charter contract. Such projections shall be reconciled  
39 with the actual enrollment of the public charter school and any necessary  
40 adjustments shall be made to the payments made to the public charter  
41 school during the remainder of the first year of operation.

42 New Sec. 35. (a) Public charter schools shall be entitled to special  
43 education and related services state aid pursuant to K.S.A. 72-978, and

1 amendments thereto, and catastrophic state aid pursuant to K.S.A. 72-983,  
2 and amendments thereto, as though such public charter school were a  
3 school district.

4 (b) Any state aid paid to a public charter school pursuant to this  
5 section shall be paid in accordance with K.S.A. 72-979, and amendments  
6 thereto.

7 New Sec. 36. (a) There is hereby established the public charter  
8 school facility grant program. The program shall be administered by the  
9 commission, which shall adopt such rules and regulations necessary to  
10 implement the provisions of this section. The program shall be funded by  
11 private contributions, which are eligible for a tax credit pursuant to section  
12 45, and amendments thereto. The commission shall provide notice of the  
13 existence of such program and the means by which it is funded to  
14 authorizers, public charter schools and the general public. All private  
15 contributions made to the program shall be remitted to the commission.  
16 Private contributions may be paid directly to the commission, or any  
17 authorizer or public charter school may accept such contributions on  
18 behalf of the commission and remit the total amount of such contributions  
19 received to the commission.

20 (b) To the extent there are sufficient funds in the public charter school  
21 facility grant fund, the commission shall award grants to eligible public  
22 charter schools to assist such schools in financing the construction or  
23 improvement of facilities for use by such school, or in the repayment of  
24 debt incurred by such school in financing such construction or  
25 improvements. Grants shall be awarded to eligible public charter schools  
26 based on priorities established by the commission. The commission shall  
27 give preference to those applications that provide for matching funds from  
28 private sources.

29 (c) Any public charter school that is in good standing shall be eligible  
30 for a grant under this section. Any public charter school seeking a grant  
31 shall submit an application to the commission at such time and in such  
32 form and manner as prescribed by the commission. An application shall  
33 include a description of the need for the facilities, a description of the  
34 facilities to be constructed or improved, the cost of such construction or  
35 improvement and any private source of matching funds.

36 (d) Any public charter school receiving grant funds pursuant to this  
37 section shall annually report to the commission on the use of such funds.  
38 Such report shall include the total amount of the grant award, the amount  
39 of such funds spent in the immediately preceding 12 months, the progress  
40 of the construction or improvement project, the amount of additional funds  
41 obtained from private sources for the project and any other information the  
42 commission deems necessary. The commission shall include in its annual  
43 report to the governor and the legislature pursuant to section 28, and

1 amendments thereto, a report on the amount of grants awarded and the  
2 amount of grant funds expended based on the reports the commission  
3 received pursuant to this section.

4 (e) There is hereby established in the state treasury the public charter  
5 school facility grant fund which shall be administered by the commission.  
6 All moneys received from private contributions for the purpose of  
7 financing the construction or improvement of facilities for use by public  
8 charter schools in accordance with the provisions of this section shall be  
9 remitted to the state treasurer in accordance with the provisions of K.S.A.  
10 75-4215, and amendments thereto. Upon receipt of each such remittance,  
11 the state treasurer shall deposit the entire amount in the state treasury to  
12 the credit of the public charter school facility grant fund. All expenditures  
13 from the public charter school facility grant fund shall be made in  
14 accordance with appropriation acts upon warrants of the director of  
15 accounts and reports issued pursuant to vouchers approved by the  
16 chairperson of the commission, or by such other person designated by the  
17 commission.

18 (f) On or before the 10<sup>th</sup> of each month, the director of accounts and  
19 reports shall transfer from the state general fund to the public charter  
20 school facility grant fund interest earnings based on:

21 (1) The average daily balance of money in the public charter school  
22 facility grant fund for the preceding month; and

23 (2) the net earnings rate of the pooled money investment portfolio for  
24 the preceding month.

25 New Sec. 37. (a) Every public charter school shall maintain a  
26 system of accounts, including receipts and expenditures, that is in  
27 accordance with generally accepted accounting principles. Each public  
28 charter school shall have its financial records audited annually by an  
29 independent auditor. The cost of the audit shall be borne solely by the  
30 public charter school.

31 (b) Within 30 days after receipt of any financial audit report made  
32 pursuant to this section, the public charter school shall submit a copy of  
33 such report, along with any other information provided by the auditor, to  
34 the authorizer of such public charter school.

35 New Sec. 38. Any funds received by a public charter school from any  
36 source and remaining in an account held by the public charter school at the  
37 end of the fiscal year shall remain in such account and be expended by  
38 such public charter school in any subsequent fiscal year.

39 New Sec. 39. Nothing in sections 1 through 44, and amendments  
40 thereto, shall be construed to prohibit any individual or organization from  
41 providing funding or other assistance in establishing or operating a public  
42 charter school. The governing board of a public charter school may accept  
43 gifts, donations and grants of any kind made to the public charter school.

1 The public charter school shall expend or use such gifts, donations or  
2 grants in accordance with the conditions prescribed by the donor, provided  
3 that no gift, donation or grant may be accepted and expended if subject to  
4 a condition that is in direct conflict with any provision of law or term of  
5 the charter contract.

6 New Sec. 40. A public charter school may enter into an agreement  
7 with a school district or a private provider to provide transportation for the  
8 students of such public charter school.

9 New Sec. 41. (a) A public charter school shall have a right of first  
10 refusal to purchase or lease at or below fair market value any facility or  
11 other real property, or unused portion thereof, that is located in a school  
12 district from which such public charter school draws its students, is owned  
13 by such school district, has been closed by such school district and has  
14 been offered by such school district for sale or lease.

15 (b) A public charter school may negotiate and contract at or below  
16 fair market value with a school district, the governing body of a public or  
17 private postsecondary educational institution, or any other public or  
18 private entity for the use of a facility for the educational purposes of such  
19 public charter school.

20 (c) Any facility that is owned by or otherwise a part of any library,  
21 community service organization, museum, performing arts center, theater,  
22 cinema, church or postsecondary educational institution may be provided  
23 to a public charter school for use by such school, provided such use of  
24 space complies with all applicable zoning and land use ordinances.

25 (d) Any facility, or portion thereof, used by a public charter school for  
26 educational purposes shall be exempt from *ad valorem* taxes.

27 (e) Public charter school facilities shall be exempt from all special  
28 assessments, permitting, licensing and any other use fees that otherwise  
29 would be applicable to the location of such facility.

30 New Sec. 42. All public charter schools established pursuant to  
31 sections 1 through 44, and amendments thereto, are public schools and are  
32 part of the state's public education system. The provisions of sections 1  
33 through 44, and amendments thereto, should be interpreted liberally to  
34 support the findings and purposes of this section and to advance a renewed  
35 commitment by the state to the mission, goals and diversity of public  
36 education.

37 New Sec. 43. Notwithstanding any provision of law to the contrary, to  
38 the extent that any provision of sections 1 through 44, and amendments  
39 thereto, is inconsistent with any other state or local law, rule or regulation,  
40 the provisions of sections 1 through 44, and amendments thereto, shall  
41 govern and be controlling.

42 New Sec. 44. If any provisions of sections 1 through 44, and  
43 amendments thereto, or the application thereof to any person or

1 circumstances is held invalid, the invalidity shall not affect other  
2 provisions or applications of sections 1 through 44, and amendments  
3 thereto, which can be given effect without the invalid provisions or  
4 application and, to this end, the provisions of sections 1 through 44, and  
5 amendments thereto, are severable.

6 New Sec. 45. (a) There shall be allowed a credit against the income  
7 tax liability imposed upon a taxpayer pursuant to the Kansas income tax  
8 act, the privilege tax liability imposed upon a taxpayer pursuant to the  
9 privilege tax imposed upon any national banking association, state bank,  
10 trust company or savings and loan association pursuant to article 11 of  
11 chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and  
12 the premium tax liability imposed upon a taxpayer pursuant to the  
13 premiums tax and privilege fees imposed upon an insurance company  
14 pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to  
15 100% of the amount contributed to the public charter school facility grant  
16 program, established by section 36, and amendments thereto.

17 (b) The credit shall be claimed and deducted from the taxpayer's tax  
18 liability during the tax year in which the contribution was made to the  
19 public charter school facility grant program.

20 (c) If the amount of any such tax credit claimed by a taxpayer  
21 exceeds the taxpayer's income, privilege or premium tax liability, such  
22 excess amount may be carried over for deduction from the taxpayer's  
23 income, privilege or premium tax liability in the next succeeding year or  
24 years until the total amount of the credit has been deducted, except that no  
25 such credit shall be carried over for deduction after the third taxable year  
26 succeeding the tax year in which the contribution was made to the public  
27 charter school facility grant program.

28 (d) No credit under this section shall be claimed by a taxpayer who  
29 may be claimed as a dependent by another taxpayer for federal income tax  
30 purposes.

31 (e) The secretary of revenue may adopt rules and regulations  
32 regarding filing of documents that support the amount of credit claimed  
33 pursuant to this section.

34 Sec. 46. K.S.A. 2011 Supp. 72-6407 is hereby amended to read as  
35 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly  
36 enrolled in a district and attending kindergarten or any of the grades one  
37 through 12 maintained by the district or who is regularly enrolled in a  
38 district and attending kindergarten or any of the grades one through 12 in  
39 another district in accordance with an agreement entered into under  
40 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
41 enrolled in a district and attending special education services provided for  
42 preschool-aged exceptional children by the district.

43 (2) Except as otherwise provided in paragraph (3) or (4) of this

1 subsection, a pupil in attendance full time shall be counted as one pupil. A  
2 pupil in attendance part time shall be counted as that proportion of one  
3 pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time  
4 attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A  
5 pupil enrolled in and attending an institution of postsecondary education  
6 which is authorized under the laws of this state to award academic degrees  
7 shall be counted as one pupil if the pupil's postsecondary education  
8 enrollment and attendance together with the pupil's attendance in either of  
9 the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted  
10 as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the  
11 pupil's postsecondary education attendance and attendance in grade 11 or  
12 12, as applicable, bears to full-time attendance. A pupil enrolled in and  
13 attending an area vocational school, area vocational-technical school or  
14 approved vocational education program shall be counted as one pupil if the  
15 pupil's vocational education enrollment and attendance together with the  
16 pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time,  
17 otherwise the pupil shall be counted as that proportion of one pupil (to the  
18 nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education  
19 attendance and attendance in any of grades nine through 12 bears to full-  
20 time attendance. A pupil enrolled in a district and attending a nonvirtual  
21 school and also attending a virtual school shall be counted as that  
22 proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance at the  
23 nonvirtual school bears to full-time attendance. Except as provided by this  
24 section for preschool-aged exceptional children and virtual school pupils, a  
25 pupil enrolled in a district and attending special education and related  
26 services, provided for by the district shall be counted as one pupil. A pupil  
27 enrolled in a district and attending special education and related services  
28 provided for by the district and also attending a virtual school shall be  
29 counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's  
30 attendance at the nonvirtual school bears to full-time attendance. A pupil  
31 enrolled in a district and attending special education and related services  
32 for preschool-aged exceptional children provided for by the district shall  
33 be counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
34 and receiving services under an approved at-risk pupil assistance plan  
35 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
36 custody of the secretary of social and rehabilitation services or in the  
37 custody of the commissioner of juvenile justice and enrolled in unified  
38 school district No. 259, Sedgwick county, Kansas, but housed, maintained,  
39 and receiving educational services at the Judge James V. Riddel Boys  
40 Ranch, shall be counted as two pupils. Except as provided in section 1 of  
41 chapter 76 of the 2009 Session Laws of the state of Kansas, and  
42 amendments thereto, a pupil in the custody of the secretary of social and  
43 rehabilitation services or in the custody of the commissioner of juvenile



1 justice and enrolled in unified school district No. 409, Atchison, Kansas,  
2 but housed, maintained and receiving educational services at the youth  
3 residential center located on the grounds of the former Atchison juvenile  
4 correctional facility, shall be counted as two pupils.

5 (3) A pupil residing at the Flint Hills job corps center shall not be  
6 counted. A pupil confined in and receiving educational services provided  
7 for by a district at a juvenile detention facility shall not be counted. A pupil  
8 enrolled in a district but housed, maintained, and receiving educational  
9 services at a state institution or a psychiatric residential treatment facility  
10 shall not be counted.

11 (4) *A pupil enrolled in a public charter school authorized by an*  
12 *authorizer other than the school district shall not be counted.*

13 (b) "Preschool-aged exceptional children" means exceptional  
14 children, except gifted children, who have attained the age of three years  
15 but are under the age of eligibility for attendance at kindergarten.

16 (c) "At-risk pupils" means pupils who are eligible for free meals  
17 under the national school lunch act and who are enrolled in a district which  
18 maintains an approved at-risk pupil assistance plan.

19 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
20 attained the age of four years, is under the age of eligibility for attendance  
21 at kindergarten, and has been selected by the state board in accordance  
22 with guidelines consonant with guidelines governing the selection of  
23 pupils for participation in head start programs.

24 (e) "Enrollment" means: (1) (A) Subject to the provisions of  
25 paragraph (1)(B), for districts scheduling the school days or school hours  
26 of the school term on a trimestral or quarterly basis, the number of pupils  
27 regularly enrolled in the district on September 20 plus the number of  
28 pupils regularly enrolled in the district on February 20 less the number of  
29 pupils regularly enrolled on February 20 who were counted in the  
30 enrollment of the district on September 20; and for districts not specified  
31 in this paragraph (1), the number of pupils regularly enrolled in the district  
32 on September 20; (B) a pupil who is a foreign exchange student shall not  
33 be counted unless such student is regularly enrolled in the district on  
34 September 20 and attending kindergarten or any of the grades one through  
35 12 maintained by the district for at least one semester or two quarters or  
36 the equivalent thereof;

37 (2) if enrollment in a district in any school year has decreased from  
38 enrollment in the preceding school year, enrollment of the district in the  
39 current school year means whichever is the greater of (A) enrollment in  
40 the preceding school year minus enrollment in such school year of  
41 preschool-aged at-risk pupils, if any such pupils were enrolled, plus  
42 enrollment in the current school year of preschool-aged at-risk pupils, if  
43 any such pupils are enrolled, or (B) the sum of enrollment in the current

1 school year of preschool-aged at-risk pupils, if any such pupils are  
2 enrolled and the average (mean) of the sum of (i) enrollment of the district  
3 in the current school year minus enrollment in such school year of  
4 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)  
5 enrollment in the preceding school year minus enrollment in such school  
6 year of preschool-aged at-risk pupils, if any such pupils were enrolled and  
7 (iii) enrollment in the school year next preceding the preceding school year  
8 minus enrollment in such school year of preschool-aged at-risk pupils, if  
9 any such pupils were enrolled; or

10 (3) the number of pupils as determined under K.S.A. 72-6447 or  
11 K.S.A. 2011 Supp. 72-6448, and amendments thereto.

12 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding  
13 at-risk pupil weighting, program weighting, low enrollment weighting, if  
14 any, high density at-risk pupil weighting, if any, medium density at-risk  
15 pupil weighting, if any, nonproficient pupil weighting, if any, high  
16 enrollment weighting, if any, declining enrollment weighting, if any,  
17 school facilities weighting, if any, ancillary school facilities weighting, if  
18 any, cost of living weighting, if any, special education and related services  
19 weighting, and transportation weighting to enrollment; or (2) adjusted  
20 enrollment as determined under K.S.A. 2011 Supp. 72-6457 or 72-6458,  
21 and amendments thereto.

22 (g) "At-risk pupil weighting" means an addend component assigned  
23 to enrollment of districts on the basis of enrollment of at-risk pupils.

24 (h) "Program weighting" means an addend component assigned to  
25 enrollment of districts on the basis of pupil attendance in educational  
26 programs which differ in cost from regular educational programs.

27 (i) "Low enrollment weighting" means an addend component  
28 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and  
29 amendments thereto, on the basis of costs attributable to maintenance of  
30 educational programs by such districts in comparison with costs  
31 attributable to maintenance of educational programs by districts having to  
32 which high enrollment weighting is assigned pursuant to K.S.A. 2011  
33 Supp. 72-6442b, and amendments thereto.

34 (j) "School facilities weighting" means an addend component  
35 assigned to enrollment of districts on the basis of costs attributable to  
36 commencing operation of new school facilities.

37 (k) "Transportation weighting" means an addend component assigned  
38 to enrollment of districts on the basis of costs attributable to the provision  
39 or furnishing of transportation.

40 (l) "Cost of living weighting" means an addend component assigned  
41 to enrollment of districts to which the provisions of K.S.A. 2011 Supp. 72-  
42 6449, and amendments thereto, apply on the basis of costs attributable to  
43 the cost of living in the district.

1 (m) "Ancillary school facilities weighting" means an addend  
2 component assigned to enrollment of districts to which the provisions of  
3 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs  
4 attributable to commencing operation of new school facilities. Ancillary  
5 school facilities weighting may be assigned to enrollment of a district only  
6 if the district has levied a tax under authority of K.S.A. 72-6441, and  
7 amendments thereto, and remitted the proceeds from such tax to the state  
8 treasurer. Ancillary school facilities weighting is in addition to assignment  
9 of school facilities weighting to enrollment of any district eligible for such  
10 weighting.

11 (n) "Juvenile detention facility" has the meaning ascribed thereto by  
12 72-8187, and amendments thereto.

13 (o) "Special education and related services weighting" means an  
14 addend component assigned to enrollment of districts on the basis of costs  
15 attributable to provision of special education and related services for  
16 pupils determined to be exceptional children.

17 (p) "Virtual school" means any school or educational program that:  
18 (1) Is offered for credit; (2) uses distance-learning technologies which  
19 predominately use internet-based methods to deliver instruction; (3)  
20 involves instruction that occurs asynchronously with the teacher and pupil  
21 in separate locations; (4) requires the pupil to make academic progress  
22 toward the next grade level and matriculation from kindergarten through  
23 high school graduation; (5) requires the pupil to demonstrate competence  
24 in subject matter for each class or subject in which the pupil is enrolled as  
25 part of the virtual school; and (6) requires age-appropriate pupils to  
26 complete state assessment tests.

27 (q) "Declining enrollment weighting" means an addend component  
28 assigned to enrollment of districts to which the provisions of K.S.A. 2011  
29 Supp. 72-6451, and amendments thereto, apply on the basis of reduced  
30 revenues attributable to the declining enrollment of the district.

31 (r) "High enrollment weighting" means an addend component  
32 assigned to enrollment of districts pursuant to K.S.A. 2011 Supp. 72-  
33 6442b, and amendments thereto, on the basis of costs attributable to  
34 maintenance of educational programs by such districts as a correlate to low  
35 enrollment weighting assigned to enrollment of districts pursuant to  
36 K.S.A. 72-6412, and amendments thereto.

37 (s) "High density at-risk pupil weighting" means an addend  
38 component assigned to enrollment of districts to which the provisions of  
39 K.S.A. 2011 Supp. 72-6455, and amendments thereto, apply.

40 (t) "Nonproficient pupil" means a pupil who is not eligible for free  
41 meals under the national school lunch act and who has scored less than  
42 proficient on the mathematics or reading state assessment during the  
43 preceding school year and who is enrolled in a district which maintains an

1 approved proficiency assistance plan.

2 (u) "Nonproficient pupil weighting" means an addend component  
3 assigned to enrollment of districts on the basis of enrollment of  
4 nonproficient pupils pursuant to K.S.A. 2011 Supp. 72-6454, and  
5 amendments thereto.

6 (v) "Psychiatric residential treatment facility" has the meaning  
7 ascribed thereto by K.S.A. 72-8187, and amendments thereto.

8 (w) "Medium density at-risk pupil weighting" means an addend  
9 component assigned to enrollment of districts to which the provisions of  
10 K.S.A. 2011 Supp. 72-6459, and amendments thereto, apply.

11 Sec. 47. K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911  
12 and K.S.A. 2011 Supp. 72-1906, 72-1907, 72-1910 and 72-6407 are  
13 hereby repealed.

14 Sec. 48. This act shall take effect and be in force from and after its  
15 publication in the statute book.