

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer

reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
 - The number of charter school applications made in the State.
 - The number of charter school applications approved.
 - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
 - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Recommended maximum response length: Six pages

(Enter text here.) **Evidence for (F)(2)(i):**

There are no limitations on the number of charter schools under state law. For the 2009-10 school year, 35 charter schools were authorized and 34 are in operation. Kansas charter schools may operate within the following type – Charter and/or charter/virtual. Nine charters are operating as charter/virtual schools – 4 charters have a virtual component. The remaining 22 charters operate without a virtual aspect.

Charter schools in Kansas are independent public schools that operate within a school district and are operated by a school district. They are operated free-of-charge to parents and are open to all students. Every charter school in Kansas is subject to the accreditation requirements of the state board of education and must be accredited to maintain its charter. While a charter school is separate and distinct, with its own building number, state assessment scores and demographic information, a charter school may be housed in an existing school facility with another school as long as it is operated separately. Charter schools must meet all standards for student achievement and accountability that other public schools must meet.

Kansas' approach to charter school authorization and accountability begins with the submission of the Intent to Apply for Charter Status due in December. Petitioners complete an application for charter status by February. To aid this process, petitioners are provided resources such as A Framework for Operational Quality, Charter School Leadership, the National Resource Center on Charter School Finance and Governance, the Grant File Requirements Checklist, federal non-regulatory guidance, and technical assistance from KSDE staff. The KSDE website also hosts *iconnectilearn in the 21st Century*, a project to connect Kansas Charter Schools. The Charter School Petition provides an outline to comprehensive planning and implementation and outlines the following components: need, mission, purpose, recruitment/enrollment, educational philosophy/utilization of physical space, special student populations served, support for learning, staff, measurable goals and assessment, use and reporting of data, governance, USD sponsor responsibilities, financial management, budget narrative, contracting with Educational Service Provider, and assurances.

Applications are reviewed by a Review Committee using a Charter School Petition Rubric to rate the quality of each component. This rubric is provided on page F1 in the Appendix. Review committee members are comprised of Kansas educators with and without charter experience and represent a variety of educational experiences.

As demonstrated in the following table, over a five-year period of time, almost two-thirds of applications to operate a charter school were approved. Slightly more than one in three applications was denied because they did not meet the minimum rubric score by the petition review committee. Approximately 25% of approved charter schools were closed during this time period, largely due to financial considerations and low enrollment. One school was closed for failure to meet academic requirements.

Five-Year Summary of Charter School Applications, Approvals, Denials and Closings

	2004-05	2005-06	2006-07	2007-08	2008-09	Total
No. of Applications	2	2	21	13	4	42
No. Applications Approved	2	2	10	10	3	27
No. Denied and Reasons	0	0	11	3	1	15
No. Closed	2	2	0	2	4	10

A summary of the State's applicable statutes, regulations, or other relevant legal documents:

- K.S.A. 72-1903 et seq. sets out criteria and procedures for the establishment and accountability for charter schools in Kansas. These laws do not restrict the total number of charter schools or the percentage of charter schools to traditional schools in Kansas.
- K.S.A. 2008 Supp. 72-1907 requires renewal of approved charters after 5 school years (3 school years if approved prior to July 1, 2004), providing sufficient time for a charter school to meet the 3 year operation criteria of a “high performing charter school” as defined in this notice.

- Kansas’ charter school laws do not place state limits or restrictions on student enrollment in charter schools. K.S.A. 2008 Supp. 72-1906(c)(8) does require individual charter school petitions to include information regarding the procedures to be used in the event the individual charter school’s enrollment capacity is exceeded; specifically, the petition must include “criteria for admission of pupils, including a description of the lottery method to be used if too many pupils seek enrollment in the school.” Further, K.S.A. 2008 Supp. 72-1906(d)(2) requires pupils in attendance at a charter school “be reasonably reflective of the racial and socio-economic composition of the school district as a whole.”
- K.S.A. 2008 Supp. 72-1906(c)(3) requires the petition for a charter to include program goals with measurable student outcomes and a plan for monitoring the performance of student achievement outcomes. K.S.A. 2008 Supp. 72-1907(b) specifies the standards for renewal, including “demonstrated progress in achieving the program goals.” K.S.A. 2008 Supp. 72-1907(c) outlines the procedures and standards for revocation, including revocation for failure to “make progress in achieving the program goals.”
- K.S.A. 72-1903(a) evidences the nature of the charter school as an independent school—“It is the intention . . . to provide an alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by offering opportunities . . . to establish and maintain charter schools that operate within a school district structure, but independently from other schools of the district.” Further, the definition of a charter school, as set out in K.S.A. 72-1903(b), describes a charter school as a “separate and distinct.”
- Per K.S.A. 72-1904 (c) and (e), the school board of any school district is authorized to establish a charter school as a way to provide “(c) creative and unconventional instructional techniques and structures” and “(e) freedom from conventional program constraints and mandates.” K.S.A. 2008 Supp. 72-1906(c)(14) requires that a charter identify “. . . school district policies and state board of education rules and regulations from which waiver is sought . . .” K.S.A. 2008 Supp. 72-1906(h) specifies the procedures for a local school board to request state board of education approval of waivers on behalf of local

charters.

- K.S.A. 72-1903(b) requires that all charter schools be subject to state board of education accreditation requirements.
- The state’s charter school statutes do not specify separate funding provisions or exceptions for charter schools. K.S.A. 72-1903 et seq.

*All references to statutes and regulations refer to the latest version of the statute or regulation.

Evidence for (F)(2)(iii): The State’s charter schools receive equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues.

Description of the State’s applicable statutes, regulations, or other relevant legal documents:

The state’s charter school statutes do not specify separate funding provisions or exceptions for charter schools. Districts operating charter schools are subject to the same state funding laws and regulations to which any district/LEA in Kansas is subject.

Evidence for (F)(2)(iv): The State provides charter schools with funding for facilities, assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools.

The state’s charter school statutes do not specify separate facilities funding provisions or exceptions for charter schools. Districts operating charter schools have available the same state facilities funding laws and regulations as any district/LEA in Kansas has.

Evidence for (F)(2)(v): A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

- K.S.A. 72-1903(a) evidences the nature of the charter school as an independent school—“It is the intention . . . to provide an

alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by offering opportunities . . . to establish and maintain charter schools that operate within a school district structure, but independently from other schools of the district.” Further, the definition of a charter school, as set out in K.S.A. 72-1903(b), describes a charter school as a “separate and distinct.”

- Per K.S.A. 72-1904 (c) and (e), the school board of any school district is authorized to establish a charter school as a way to provide “(c) creative and unconventional instructional techniques and structures” and “(e) freedom from conventional program constraints and mandates.”
- K.S.A. 2008 Supp. 72-1906(c)(14) requires that a charter identify “. . . school district policies and state board of education rules and regulations from which waiver is sought . . .”
- K.S.A. 2008 Supp. 72-1906(h) specifies the procedures for a local school board to request state board of education approval of waivers on behalf of local charters.
- K.S.A. 72-1903(b) requires that all charter schools be subject to state board of education accreditation requirements.

*All references to statutes and regulations refer to the latest version of the statute or regulation.

(F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

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Evidence for (F)(3):