

IN THE SENATE

SENATE BILL NO. 1248

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO  
REVISE REQUIREMENTS REGARDING CERTAIN WRITTEN CONTRACTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby  
amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC  
CHARTER SCHOOL. (1) In addition to any other requirements imposed in this  
chapter, a public charter school shall be nonsectarian in its programs,  
affiliations, admission policies, employment practices, and all other op-  
erations, shall not charge tuition, levy taxes or issue bonds, and shall  
not discriminate against any student on any basis prohibited by the federal  
or state constitutions or any federal, state or local law. Admission to  
a public charter school shall not be determined according to the place of  
residence of the student, or of the student's parent or guardian within the  
district, except that a new or conversion public charter school established  
under the provisions of this chapter shall adopt and maintain a policy giving  
admission preference to students who reside within the primary attendance  
area of that public charter school.

(2) No board of trustees shall require any employee of the school dis-  
trict to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered  
public school teachers. Educational experience shall accrue for service in  
a public charter school and such experience shall be counted by any school  
district for any teacher who has been employed in a public charter school.

(4) Employment of charter school teachers and administrators shall be  
on written contract ~~in form as approved by the state superintendent of public  
instruction,~~ conditioned upon a valid certificate being held by such profes-  
sional personnel at the time of entering upon the duties thereunder.

(5) No board of trustees shall require any student enrolled in the  
school district to attend a public charter school.

(6) Authorized chartering entities may establish reasonable pre-open-  
ing requirements or conditions to monitor the start-up progress of newly  
approved public charter schools and ensure that they are prepared to open  
smoothly on the date agreed, and to ensure that each school meets all build-  
ing, health, safety, insurance and other legal requirements for school  
opening.

(7) Each public charter school shall annually submit the audit of the  
fiscal operations as required in section 33-5205(3)(1), Idaho Code, and a  
copy of the public charter school's accreditation report to the authorized  
chartering entity that approved its charter.

1           (8) A public charter school or the authorized chartering entity may  
2 enter into negotiations to revise a charter or performance certificate at  
3 any time. If a public charter school petitions to revise its charter or  
4 performance certificate, the authorized chartering entity's review of the  
5 revised petition shall be limited in scope solely to the proposed revisions.  
6 Except for public charter schools authorized by a school district board of  
7 trustees, when a non-virtual public charter school submits a proposed char-  
8 ter revision to its authorized chartering entity and such revision includes  
9 a proposal to increase such public charter school's approved student enroll-  
10 ment cap by ten percent (10%) or more, the authorized chartering entity shall  
11 hold a public hearing on such petition. The authorized chartering entity  
12 shall provide the board of the local school district in which the public  
13 charter school is physically located notice in writing of such hearing no  
14 later than thirty (30) days prior to the hearing. The public hearing shall  
15 include any oral or written comments that an authorized representative of  
16 the school district in which the public charter school is physically located  
17 may provide regarding the impact of the proposed charter revision upon the  
18 school district. Such public hearing shall also include any oral or written  
19 comments that any petitioner may provide regarding the impact of the pro-  
20 posed charter revision upon such school district.

21           (9) When a charter is nonrenewed pursuant to the provisions of section  
22 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or  
23 the board of directors of the public charter school terminates the charter,  
24 the assets of the public charter school remaining after all debts of the pub-  
25 lic charter school have been satisfied must be returned to the authorized  
26 chartering entity for distribution in accordance with applicable law.